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Lawyers, Multiple Clients, and Conflicts of Interest

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Message from the Dean

Research and the University Law School

An issue that arises frequently, both here at Ohio State and at other major law schools in the country, is the appropriate role of research for a college of law and a faculty member's responsibilities to engage in research and publication. I am asked about this matter frequently by both alumni and students and even by an occasional faculty member or prospective faculty member. It is, I think, a subject not clearly understood by most persons not intimately familiar with the academic enterprise. First, of course, one must recognize that in all major law schools in the country, teaching loads, that is, the contact hours spent directly with students, are established at a level designed to provide the faculty member with adequate time to do research. As a result, one should not have to sacrifice classroom performance or teaching expertise to engage in research. That is not to say that some faculty members don't misuse their time or allocate their priorities

differently. It is simply a statement that they could do both with appropriate allocation of their time and effort, and in fact most do.

But why is there this emphasis upon research as an important part of a faculty member's responsibilities? There are several good reasons, and I will touch on a couple of the more common ones further along. But I want first to emphasize the role of scholarship as education. Too frequently, it seems to me, the educational mission of the law school is viewed too narrowly. It is only natural, perhaps, that most current students view the role of the law school almost entirely to be that of providing them with a legal education. That is too narrow a view of our educational role, as I will try to explain.

Most research published by law school faculty members can be divided into three categories. There is the research that

produces law school casebooks used directly in the teaching of currently enrolled students. These books occasionally are useful to the practitioner, but not often. They are designed as a teaching tool for the classroom. Good examples from our faculty include the recently published casebook by Professor Whaley on commercial paper, a casebook coauthored by Professor Thompson in agency law and employment relations, a casebook in corporate taxation coauthored by Professor Rose, and a forthcoming casebook in sales coauthored by Professor Clovis. Obviously, this kind of research directly aids the classroom endeavor.

A second kind of research leading to publication is that directed at educating a much broader group in the profession and, at times, outside the profession. It is this research that informs the practicing lawyer, the Bench, and other students of the law about what the law is. Its role is to educate a much larger audience than



current students. But it is clearly education that is involved and which is vitally important as part of our educational mission. Such books and articles fill our law school libraries and law journals. Much of the research work of our faculty fits this description, including the recent book on warranties by Professor Whaley, the recent book on employment discrimination by Professor Modjeska, as well as his forthcoming book on administrative law, and a number of law journal articles by various faculty members.

Finally, but certainly not least important, is the more creative research work of the faculty — the articles and books that are aimed more at critiquing the law and suggesting changes or changed attitudes that will better serve society. Again, much of the research effort of the faculty fits this description. Here too the faculty is teaching, but the objective of the teaching is somewhat different — here the faculty member is essentially teaching to a future generation. If the faculty member's work is good, it will perhaps lead to change, adaptation of the law to societal needs in the future. As a part of this, the law faculty provides a commentary on the work of legislators, judges, and administrators as they adopt and apply law. I would like to emphasize how critical and important is this part of our mission. Without it, critique of law would be relegated to the immediate needs of the political process and the occasional frustration of the practicing lawyer in dealing with outmoded or wrong-headed law. The faculty member can bring a detached and comprehensive review to the changes in society and the adaptations required in the law. From our faculty, much of the work over the years of Professor Earl Murphy fits this description. A recent article on comparative negligence by Professor Claude Sowle would be another good example, as is the new article dealing with qualified immunity in Section 1983 actions by Professor Kathryn Sowle. The forthcoming book by Professor Michael Perry on constitutional policy making by the judiciary is yet another fine illustration. Many other examples could be given from recent work of our faculty and that of other law school faculty members, but I think the point is made. Although this

work may have no immediate impact from an educational point of view, it is much more likely that future generations will look back upon it as having had value.

Even the immediate task of teaching current students, however, benefits from faculty research. Most obviously, of course, is the research done in connection with the direct preparation of classes. This kind of research is of a different category since it rarely, if ever, results in publication; but it is obviously an important part of the direct teaching function. Moreover, it is probably true that rarely does a piece of published faculty research get translated into a substantial amount of direct classroom instruction (with the obvious exception of casebooks). Classroom instruction normally does not involve sufficient depth or detail as compared with the typical research project. Nevertheless, the underlying knowledge and research accumulated to do the particular published piece aids a faculty member in background knowledge and thinking necessary to teach a class in the same, or related, subject matter.

In yet a different way, the research also aids classroom instruction. Research and publication keep a faculty member current and intellectually sharp and alive. It is all too easy for faculty members to allow their analytical skills, their thinking process, to atrophy. Research, even if not related to the subject matter being covered in a course, keeps the faculty member intellectually vibrant. Those same thinking techniques get translated into a more exciting and current class presentation.

To digress for a moment, one might ask why it is that publication is so critical in the academic world to successful research. Wouldn't it be sufficient simply to do the reading and thinking and incorporate it into one's teaching without going to the tedious and time-consuming task of preparing it for publication? Publication is important for at least two reasons. First, it is important to the external recognition of the reputation of the faculty member, and therefore of the law school, and I shall come back to that in a moment. Second, it is important as a part of the process of the faculty member's carefully thinking through the problem and analyzing it. To be candid, the exposure of one's views in publication form causes one to be much more careful in the thinking process and the research process. We are much more likely to pronounce half-baked ideas or less-than-thorough research in the

classroom or in conversations with our colleagues than we are if the idea is to be reduced to print and published for the world to see and critique. Thus, the very process of preparation for publication is a critical element in much of what makes research valuable to a faculty member and to a college.

To return to why we stimulate, encourage, and expect a high level of faculty research and publication, there are also some very pragmatic reasons. A school's reputation largely turns upon the external view of its faculty. That view, in turn, is almost entirely formed on the basis of the faculty members' scholarly output, either directly or indirectly. Our faculty get to be known by what they write, or by what they say at conferences to which they are invited because of what they have written. I challenge anyone to cite me a law school that is generally regarded to be among the best of law schools because it is known to have a high-quality teaching faculty. This is not to say that the teaching that occurs in those schools is not good, but rather that the reputation of the school does not generally turn upon the quality of the teaching. In fact, perhaps more than one of the schools generally rated in the top ten have a reputation at least among their students for not doing a terribly good job in the classroom. Nevertheless, those are the schools that attract quality faculty, quality students, and the best job prospects for students. And that is the point that I want to make. We are not interested in the reputation of a law school simply for its own sake. Rather, we are interested in it for what that reputation can do to improve the school and to improve the opportunities for our students and alumni.

To reiterate, it is the law schools that over the years have built up a fine reputation for their faculty, based largely upon the research output of that faculty, that most easily hire the best faculty available, attract the best students, however defined, and provide the best job opportunities for their students and alumni.

Conflict of Interest Problems of Lawyers

This article is a brief summary of a series of lectures delivered by Morgan Shipman, John W. Bricker Professor of Law, The Ohio State University, at the College of Law's Law Forum Lecture Series in the Spring of 1981.

I. Introduction

In the past 10 years, professional responsibility questions have become crucial for lawyers, and the legal profession (professional responsibility) course has attained solid intellectual respectability in the law schools. Gone are the days when law students considered legal profession a sunshine hour requiring little analysis and when most lawyers gave little thought to the Code of Professional Responsibility. Evidence of these changes is found in the publication of a 250-page *Developments in the Law Note* entitled "Conflicts of Interest in the Legal Profession," 94 *Harv. L. Rev.* 1244 (1981). This comprehensive note, hereinafter cited as the "Harvard Note", is a good collection of cases.

The causes of change are evident. Watergate led everyone to pay more attention to the duties of lawyers. It dawned on us that legal services have become a major, expensive consumer good and that consumerism is here to stay. Legal malpractice actions and recoveries have become common. Litigation has increasingly become a hardball game, with lawyers shedding their prior reluctance to attack fellow lawyers. Lastly, the overriding legal change of the past few decades has been the growth of the fiduciary ethic — we have gone from status to contract to fiduciary ethic. Lawyers quickly recognized this last trend in advising their clients — e.g., corporate officers — but were slower to recognize that the trend applied to them also.

Improper handling of a conflict of interest can get a lawyer in trouble in numerous ways.

1. Disciplinary actions, including disbarment, may be taken against him or her.
2. A forbidden conflict of interest may lay the groundwork for a malpractice action by a client.¹
3. The lawyer may become the subject of a successful disqualification motion by an opposing litigant, causing huge expense to the client (for which the lawyer conceivably could be liable).
4. The conflict may be grounds for denial of a fee request.



Professor Morgan Shipman presents Law Forum lecture.

5. The conflict may lead to rescission of a transaction (say, a mortgage) handled by the attorney,² and again the attorney could conceivably be liable to the client for the loss.

6. One case has held that a conflict of interest can lead to conviction under a criminal fraud statute.³ This is apparently based on the widely accepted proposition that a lawyer implicitly represents to a client that the lawyer's undivided loyalties are devoted to representing the client's interest.⁴

7. If a lawyer's mishandling of a conflict is so bad that "fraud" results, the lawyer's malpractice liability insurer may refuse to pay any resulting malpractice liability, for most policies specifically exclude liability for acts that are dishonest, criminal, fraudulent, or malicious.⁵

8. By getting involved in an improper conflict, the lawyer may lose important qualified immunities under tort and criminal law. Generally speaking, a lawyer who merely advises a client that certain conduct is proper is not converted into a criminal or a tortfeasor if such advice later proves incorrect, provided that the lawyer used reasonable care in formulating the legal advice (the

standard may even be the lesser one of good faith).⁶ The reason for the rule is clear: A lawyer should not be discouraged from advising on close legal issues. If the lawyer incorrectly handles a conflict, reasonable care and/or good faith may be difficult to prove, and the lawyer may also appear to have become a participant in a client's tort⁷ or crime. Either ground could suffice to dissolve the lawyer's qualified immunity as a mere legal adviser.

This parade of horrors is enough to justify the importance of the subject.

The governing standard is clearly stated in the Disciplinary Rules under Canon 5 of the American Bar Association's Code of Professional Responsibility. The lawyer is to decline or cease representation if the exercise of his independent professional judgment on behalf of a client will be or is likely to be adversely affected or if it would be likely to involve the lawyer in representing differing interests. The term "differing interests" includes "every interest that will adversely affect either the judgment or the loyalty of a lawyer to a client, whether it be a conflicting, inconsistent, diverse, or other interest."⁸

If there is a conflict, the only exception to the rule prohibiting conflicts appears in Disciplinary Rule 5-105(C) —

... a lawyer may represent multiple clients if it is obvious that he can *adequately* represent the interest of each *and* if each consents to the representation after *full* disclosure of the *possible* effect of such representation on the exercise of his independent professional judgment on behalf of each [emphasis added].

Though stated generally, these standards are quite demanding. Do they absolutely forbid all conflicts? As one would imagine, the answer is no. Two important associational interests are involved — the client's choice of a lawyer and the lawyer's right to earn a living. In addition, the high cost of legal fees demands that the regulation of conflicts not unnecessarily lead to additional fees. Moreover, in some situations (e.g., representation of corporations and of insurance companies and insureds), the lawyer *must* take on multiple clients. Thus, an analysis of a specific conflict must consider both the general rules and the cases in that particular area, for the governing substantive law and the institutional arrangements may alter the general rules.

Analysis of conflicts of interests must also take account of the "appearance" doctrine. Courts sometimes will consider an appearance of wrongful conduct sufficient to warrant a prophylactic rule forbidding a representation.

In the next part (Part II), I will address "Conflicts in the Simultaneous Representation of Multiple Clients." Part III deals with "Conflicts in the Representation of Corporations and Other Organizations." Finally, Part IV discusses "Conflicts Resulting From Government Employment or Earlier Representation of a Presently Adverse Party." Parts III and IV will appear in a subsequent issue of this publication.

II. Conflicts in the simultaneous representation of multiple clients

Some conflicts are so major that dual representation is forbidden, even if the requisite consent, after full disclosure, is obtained from each party.⁹ For example, if A sues B, a lawyer can never represent both A and B in that litigation.¹⁰ In a number of states, this result has been extended to all divorce and dissolution actions — the theory apparently being that, even in the simplest dissolution, a prophylactic rule should be adopted.¹¹

What about representation of both parties to a transaction such as a mortgage?

At present, there is no *per se* rule prohibiting such representation (assuming consent after full disclosure) although lawyers will usually avoid dual representation even in those circumstances. One reason is that the doctrine allowing dual representation following full disclosure and consent is contingent upon two qualifications. First, the disclosure must *specifically* state all the reasons why independent counsel may be preferable: generalized disclosure won't suffice.¹² Second, if dual representation is undertaken, the lawyer, for practical purposes, must advise each party which transactions and terms are unfair to him and why.¹³ These two demanding obligations can easily create malpractice suits and recoveries against the lawyer.

One situation in which conflicts are sanctioned and are common takes place when a client's lawyer furnishes a legal opinion to a person dealing at arm's length with the client in a business transaction — say, a lender, a purchaser of assets or stock, or a securities underwriter. Though the person dealing with the client is perhaps technically not also a client, the lawyer has duties to that person that are adverse to his duties to the client. For example, the lawyer giving a creditor a legal opinion on the status of the client's title to properties would usually be required to disclose material clouds on the title. In such a situation, there is usually consent by both parties (after full disclosure) to the arrangement; and though a serious conflict results, these arrangements are so necessary to facilitate commercial transactions at a reasonable cost that the major conflict is tolerated. The exact duties of the lawyer should be specified in writing so that the parties and the lawyer will know how many cracks in the client's armor are required to be disclosed. Otherwise, the lawyer may find himself in an impossible crosscurrent.¹⁴

A dual representation that appears proper in the beginning because the conflict is minor and each client has consented (after the requisite disclosure) may become improper because new developments convert the conflict into an impermissible one. The Code of Professional Responsibility, which regulates conflicts both at the commencement of representation and during the representation, would require the lawyer to withdraw from representing one, or perhaps both, of the clients in that matter.

One of the most explosive results of representing multiple clients is the

creation of continuing, far-reaching disclosure duties to each joint client. A 1937 Wisconsin case¹⁵ illustrates this nicely. The lawyer was representing both the issuer and the underwriter in a securities offering, a multiple representation with such serious conflicts that it would not be undertaken today. The underwriter began to wrongfully take funds belonging to the issuer. Though the attorney knew of this, he said nothing to the issuer. The Wisconsin Supreme Court disbarred the attorney, holding that there was an obligation to inform the issuer of the embezzlement.¹⁶

Who are the clients?

Although the strictures on representation of multiple clients do not apply if the lawyer has only a single client, identification of the "clients" may reveal that the lawyer has acquired more clients than he believed and in the process created conflict of interest problems. If each party (say, the husband and the wife in a dissolution action, or the creditor and the debtor in the drafting of a mortgage) has separate counsel, it becomes easy to show that there is no multiple representation. Suppose, however, that the husband in a dissolution action has a lawyer but the wife does not. The husband's lawyer should make it clear that he represents only the husband.¹⁷ In giving legal advice to the wife, the lawyer may well acquire her as a client also and trigger all of the conflicts, prohibitions and obligations. In such a case the courts have held that a person can become a client without an explicit agreement and without payment of a fee if all of the facts indicate representation.¹⁸ Telling the person having no attorney that he or she does not need one because counsel for another party is taking care of the legal problems seems especially well calculated to implicitly create the relationship.¹⁹ The question — "Who are the clients?" — is a fundamental one pervading all conflicts of interest issues. Until that question is answered with confidence, one should not proceed to subsequent issues.²⁰

Representation of insurer and the insured

The importance of analyzing the specific institutional expectations in order to determine how to handle a conflict of interest problem is illustrated by developments concerning liability insurance. We all find liability insurance — be it legal malpractice, automobile liability, or other liability insurance — of great social utility primarily because when we are sued we notify the insurance company, which retains an attorney to represent it and us. There is a conflict, but

the arrangement usually works well. However, during the past eight years, the question of the proper handling of conflicts has been fundamentally rethought, largely because of *Employers Cas. Co. v. Tilley*, 496 S. W. 2d 552 (Tex. Sup. Ct. 1973). In that case, the insurance carrier attempted to escape liability under the policy because the insured allegedly had not promptly notified the carrier of the accident as required by the policy. The majority held that the carrier was estopped from asserting this defense because the lawyer selected and paid by the carrier had continued to represent the insured and the carrier after he knew of the specific conflict. This action violated the American Bar Association standards that required the attorney upon discovering such a conflict to notify the insured and the carrier of the nature and extent of the conflict and to continue to represent the insured only if the latter then consents. The concurring opinion went further, viewing the attorney representing the insured (though selected by and paid by the carrier) as having a single client — the insured. In the case before the court, the result would be the same under either theory, and even the theory of the majority was at least somewhat contrary to then-prevailing practices. However, the effects of the two theories in the opinion would differ greatly if, for example, the lawyer discovered fraud by the insured, which is usually an "out" for the carrier. Under the majority's theory, the lawyer should notify both parties of the discovery. Under the theory of the concurring opinion, the lawyer should probably keep quiet about the discovery because he would be viewed as representing only the insured.²¹ Numerous close issues have arisen because of this case and subsequent cases, causing some lawyers to recommend advance agreements with insurance carriers on these issues before representation is begun. It is becoming common for insurance carriers when they suspect a possible policy exclusion to appoint and pay for a lawyer to represent only the insured and a separate lawyer to represent only the carrier with respect to possible policy exclusions. These developments reflect, I believe, a recently developed felt necessity to protect insureds by imposing high fiduciary duties upon insurance carriers and the lawyers selected by them.

Simultaneous Representation of Multiple Criminal Defendants

Three recent United States Supreme Court cases (involving the constitutional guarantee of adequate representation, which in criminal cases applies in addition

to the Code of Professional Responsibility) illustrate the many subtle and often conflicting values to be considered in conflict of interest questions. These cases also demonstrate the importance of procedural issues such as standing, timely objection, waiver, and estoppel.

In *Holloway v. Arkansas*, 435 U.S. 475 (1978), the three codefendants in a criminal trial in a state court filed motions, a few weeks before trial, for appointment of separate counsel. The motions were based upon the appointed counsel's representations that, because of confidential information received from the codefendants, counsel was confronted with the risk of representing conflicting interests and, therefore, could not provide effective assistance for each client. The trial court denied the motions, and the defendants were subsequently convicted. The state supreme court affirmed, concluding that the record showed no actual conflict of interest or prejudice to the defendants. The United States Supreme Court granted certiorari and reversed. The Court admitted that under the federal constitutional guarantee of effective advice of counsel, "... in some cases multiple defendants can appropriately be represented by one attorney; indeed, in some cases, certain advantages might accrue from joint representation." The Court held, however, that when, as in this case, the defendants' attorney makes a timely, non-dilatory motion for separate counsel, the trial judge must at a minimum take adequate steps to ascertain whether the risk of a conflict is too remote to warrant separate counsel. Here, the trial judge neither took such steps nor appointed separate counsel. The Court's discussion indicates that such timely motions by the counsel should normally be granted. Next, the Court held that when the trial court improperly requires joint representation over timely objection, prejudice is presumed and reversal is automatic.

Cuyler v. Sullivan, 446 U.S. 335 (1980), involved a criminal defendant with retained counsel. Two privately retained counsel represented the defendant and two others charged with the same murders. The defendant, who was tried first, initially made no objection to multiple representation. He was convicted, while his two codefendants were later acquitted at separate trials. In collateral relief proceedings, the defendant for the first time alleged that he had not received effective assistance of counsel because his lawyers

represented conflicting interests. The Third Circuit granted relief on the ground that the "possibility" of a conflict established the defendant's federal constitutional right. The Court agreed with the defendant that failings of a retained counsel are no different from those of appointed counsel in determining whether there has been ineffective assistance of counsel. However, the Court reversed and remanded to the Third Circuit, largely on a procedural ground raising issues of waiver and estoppel. The Court agreed that *Holloway v. Arkansas* "requires state trial courts to investigate timely objections to multiple representation" (emphasis added). But, in the absence of such an objection, the trial court need not conduct an inquiry unless it "knows or reasonably should have known that a particular conflict exists," which was not true here. In such circumstances, "a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance": A mere "possible" conflict of interest will not suffice. The Court thus remanded to the Third Circuit so that the latter could determine whether there was an "actual" conflict. This decision neatly demonstrates that waiver, laches, and estoppel are doctrines that sometimes carry considerable weight when one seeks relief based upon a conflict of interest.²²

Cuyler v. Sullivan, discussed in the immediately preceding paragraph, was obviously an effort by Justice Powell, who wrote the majority opinion, to cut back on the effects of conflict of interest arguments in freeing convicted criminal defendants. But, less than one year later, Justice Powell authored the majority opinion in *Wood v. Georgia*, 450 U.S. 261, 101 S. Ct. 1097 (1981), a case showing that perceived conflicts of interest or possible conflicts can excite and lead to reversal as perhaps no other ground can. In *Wood v. Georgia*, the defendants, former employees of an "adult" movie theatre and bookstore, had been convicted of distributing obscene materials and sentenced to periods of probation on the condition that they make regular payments toward the satisfaction of substantial fines. When they failed to make the payments, the state court revoked their probation even though the defendants offered evidence of their inability to make the payments and stated that they had expected their former employer to pay the fines for them. The defendants maintained that the revocations discriminated against them on the basis of wealth, thus violating

the equal protection clause. Justice Powell, however, saw the issue as one of a possible forbidden conflict of interest on the part of the defendants' attorney because he was being paid by the defendants' former employer. The prosecutor had raised the conflict of interest issue at the probation revocation hearing. Justice Powell was disturbed by the possibility that the attorney was furthering an interest of the former employer in an equal protection ruling against jailing for high fines beyond the defendants' ability to pay, while the defendants' interest was clearly in low fines. Proceeding on due process grounds, the Court reversed and remanded for a new hearing on the probation revocation, which hearing is to probe the "possible" conflict of interest. Two implicit holdings are of major interest. First, the prosecutor was given standing to raise the possible conflict. Standing is one of the most unsettled areas of conflicts of interest litigation, and the extension of standing to the prosecutor is significant.²³ Second, Justice Powell, noting the inherent conflict of interest dangers when a criminal defendant is represented by a lawyer hired and paid for by a third party, cites lower court cases concerning grand jury investigations that have either rigorously scrutinized or banned the practice. Though Justice Powell carefully avoids taking a *per se* position, he does not (in my opinion) give sufficient weight to the associational and freedom-of-contract values to be considered in determining whether the use of a lawyer paid for by a third party is to be banned or strongly disfavored.

The importance of these conflict of interest cases extends to malpractice litigation. In *Ferri v. Ackerman*, 444 U.S. 193 (1979), the Court refused to imply immunity from malpractice actions for an attorney appointed by a federal court to represent an indigent defendant in a federal criminal trial.

The Lawyer as a Witness

Disciplinary Rules 5-101 and 5-102 decree that, in general, a lawyer is not to accept or continue employment in contemplated or pending litigation if he knows or learns "or it is obvious that he or a lawyer in his firm ought to be called as a witness . . ." There are exceptions for uncontested matters, for formal matters, and "as to any matter if refusal would work a substantial hardship on the client because of the distinctive value of the lawyer or his firm as counsel in the particular case."

This concept is often asserted as grounds for disqualification, especially when

litigation grows out of an earlier negotiated transaction, causing lawyers' testimony concerning the negotiations to be important. If the opponent's regular law firm (which will usually handle negotiations) can be knocked out as trial counsel, the opponent's legal expenses at trial will skyrocket. In my opinion, courts should recognize that the conflict involved is usually attenuated and should give great weight to the hardship imposed on the client in passing on disqualification motions under the lawyer-witness rule. Gamesmanship is rampant in disqualification motions, and, in this area, the granting of the motion often serves little purpose other than to create delay and additional legal fees.

Footnotes

1. See, e.g., *Woodruff v. Tomlin*, 616 F.2d 924 (6th Cir.), cert. denied, 101 S. Ct. 246 (1980).
2. See, e.g., *Crest Inv. Trust v. Comstock*, 23 Md. App. 280, 327 A.2d 891 (1974); *Cultra v. Douglas*, 60 Tenn. App. 116, 444 S. W. 2d 575 (1969).
3. See summary of *United States v. Bronston*, 658 F.2d 920 (2d Cir., Aug. 19, 1981) in BNA Securities Regulation & Law Report of September 2, 1981, at p. A-1; Naftalis, Considerations in Representing Attorneys in Civil and Criminal Enforcement Proceedings, 36 Bus. Law. 1877, 1884 (1981).
4. See, e.g., *In Re Kamp*, 40 N.J. 588, 194 A.2d 236 (1963).
5. For a case involving the "fraud" exception, see *Capital Bank & Trust Co. v. Core*, 343 So. 2d 284 (La. App. 1977), cert. denied, 504 So. 2d 504 (La. Sup. Ct. 1977). A connected opinion is *Louisiana Bar Assn. v. Core*, 384 So. 2d 754 (La. Sup. Ct. 1980).
6. See, e.g., *Maness v. Meyers*, 419 U.S. 449 (1975); *Tillamook Cheese & Dairy Ass'n v. Tillamook Co. Cream Assn.*, 358 F.2d 115 (9th Cir. 1966); *People v. Kresel*, 243 App. Div. 137, 277 N.Y.S. 168 (1935).
7. Cf., *Rowen v. Le Mars Mut. Ins. Co. of Iowa*, 282 N.W.2d 639, 654-56 (Iowa Sup. Ct. 1979).
8. This appears in the definitions at the end of the Code of Professional Responsibility.
9. *Kelly v. Greason*, 23 N.Y. 2d 368, 296 N.Y.S. 2d 937 (1968).
10. Harvard Note 1306-07.
11. Harvard Note 1310-11. Ohio follows the prophylactic rule. Formal Opinion No. 30 of Committee on Professional Conduct of the Ohio State Bar Association, 48 Ohio Bar 780 (1975).
12. *In Re Kamp*, 40 N.J. 588, 194 A.2d 236 (1963); *Crest Investment Trust v. Comstock* 23 Md. App. 280, 327 A.2d 891 (1974).
13. For example, if one represents borrower and lender, usury in the transaction must be disclosed. *In Re Greenberg*, 21 N.J. 213, 121 A.2d 520 (1956). See also *Crest Investment Trust v. Comstock*, supra note 12. Cf., *In Re*

Kamp, supra note 12; *State v. Rogers*, 226 Wisc. 39, 275 N.W. 910 (1937).

14. See, e.g., Shipman, Professional Responsibilities of the Corporations Lawyer, which is Ch. 11 of Ream (ed.), *Professional Responsibility: A Guide For Attorneys* (American Bar Assn. 1978), especially pages 289 to 306.

15. *State v. Rogers*, 226 Wisc. 39, 275 N.W. 910 (1937).

16. The joint client doctrine is often an exception to the attorney-client privilege. See, e.g., *Garner v. Wolfenbarger*, 430 F.2d 1093 (5th Cir. 1970), cert. denied, 401 U.S. 974 (1971); McCormick, *Evidence* 187-99 (2d ed. 1972).

For a contrary view concerning the effect of a conflict of interest on the lawyer's disclosure obligation, see Harvard Note 1314-15. Neither authority cited by the Harvard Note, however, seems to deal with the joint client situation, and the view expressed in the Note seems questionable where joint clients are involved.

Also, compare the differing effects of the majority and the concurring opinions in *Employers Cas. Co. v. Tilley* (section of this paper, *infra*, dealing with representation of insurer and insured) on this question.

17. See, e.g., Formal Opinion No. 30 of the Ohio Committee, supra note 11.

18. See, e.g., Formal Opinion No. 30 of the Ohio Committee, supra note 11; *Crest Investment Trust v. Comstock*, supra note 12; *Tiemy v. Flower*, 32 A.D. 2d 392, 302 N.Y.S.2d 640 (1969).

To some extent, the lawyer for a corporation automatically acquires its shareholders as clients. *Garner v. Wolfenbarger*, supra note 16. Also, to some extent, the corporation's lawyer similarly acquires its directors as clients. *Collins v. Fitzwater*, 277 Ore. 401, 560 P.2d 1074 (1977). Cf., *Fickett v. Superior Court*, 27 Ariz. App. 793, 558 P.2d 988 (1976) [attorney for guardian owes duty to ward if attorney knows or should know that guardian is acting adverse to ward's interest].

See also note 20 *infra* and accompanying text.

19. See *Crest Investment Trust v. Comstock*, supra note 12.

20. See, e.g., Shipman, supra note 14, at 271-79 and 289 to 306.

Cf., Probert and Hendricks, Lawyer Malpractice: Duty Relationships Beyond Contract, 55 Notre Dame Law. 708 (1980), a brilliant discussion of the lawyer's tort liability to clients and others.

21. See also note 16 *supra* and accompanying text.

22. See also Harvard Note 1311-15 and 1481-82; *United Sewage Agency of Washington County, Oregon v. Jelco Ins.*, 646 F.2d 1339, (9th Cir. 1981).

For a case which, in my opinion, involves a totally erroneous ignoring of laches, waiver, and estoppel, see *Jedwabny v. Philadelphia Transp. Co.*, 390 Pa. 231, 135 A.2d 252 (1957), cert. denied 355 U.S. 966 (1958).

23. On standing, see Harvard Note 1479-81. In *Firestone Tire and Rubber Co. v. Risjord*, 449 U.S. 368 (1981) 66 L.Ed.2d 571, 581 n. 14, the Court refused to address the standing issue.

College News

Where are they now?

Florida sunshine, fresh orange juice, and ocean breezes are formidable attractions — even for law professors. Since the midseventies, four faculty members have either gone directly, or via the south, to the Sunshine State. As the winter descends, the *Law Record* has warm thoughts of our Florida friends.

The first to respond to the enticement of mild winters was **Mary Ellen Caldwell**, who was associated with the College of Law from 1966 to 1974. She was the second woman to teach at the College and the first to hold the rank of professor. Prior to joining the faculty, Professor Caldwell was a research associate and lecturer at Yale University where she received her LL.M. While at Ohio State she taught contracts, international law, legislation, jurisprudence, and various seminars. Professor Caldwell joined the law faculty at the University of Florida, Spessard L. Holland Law Center, Gainesville, in 1974 where she remains today. Professor Caldwell continues to maintain a wide variety of activities in teaching, law school and university-related committees, and the practice. Having been raised and educated in Louisiana, she is at "home" in her southern residence.

Bruce R. Jacob was a member of the faculty of the College of Law from 1971 to 1978, serving from 1973 as professor and director of the Legal Clinic. Professor Jacob received his J.D. from Stetson University, a LL.M. from Northwestern, and a J.S.D. from Harvard in 1980. He headed south in 1978 when he joined the faculty of Mercer University Law School at Macon, Georgia as professor and dean. In the fall of 1981, Dean Jacob arrived in Florida to become dean of Stetson University College of Law at St. Petersburg. Dean Jacob is happy to return to Florida where he has family ties and to his alma mater in his new leadership role.

Keith S. Rosenn was appointed to the College of Law in 1964 shortly after completing his law study at Yale. He was promoted to professor in 1970 and remained on the faculty until 1979. During his years at Ohio State, he taught constitutional law, criminal law, federal courts, international transactions, and various seminars. Professor Rosenn is a widely respected specialist in Latin-American law and spent the academic years of 1964-65 and 1979-80 in Rio De Janeiro, Brazil, while on leaves of

absence. He has been most interested in law's relation to economics, with particular interest in law and inflation from a comparative view. In 1979, Professor Rosenn joined the faculty of the University of Miami Law School, Miami, and is a member of the University's Law and Economics Center. He is the author of *Law and Inflation* published by the University of Pennsylvania Press, December 1981.

The last to succumb to the enticements of Florida is Professor and Dean **L. Orin Slagle**. Dean Slagle received his degree from our College of Law to which, after four years of practice and military service, he returned in 1961 as assistant dean. He became assistant professor in 1962 and professor in 1966. In 1969, he left the College and became a partner with the Columbus law firm of Dargusch & Day. He returned to the College in 1971 and served as acting dean and dean from 1974 to 1978 when he resumed full-time teaching duties. During his years at Ohio State, he was an active member of the Law School Admissions Council, which he served as president. In 1980, Dean Slagle was appointed dean at Florida State University College of Law, Tallahassee. He is enjoying his deanship and Florida living.

For our alumni, travel through the long state of Florida can be dotted with stops to see former OSU faculty, all of whom served together as colleagues at our College. The Florida sunshine, however enticing, is not so warm as our good wishes and fond memories.

College is host to summer CLEO Institute

The College of Law was the host school for the summer CLEO Institute for the mid-western region. The Council on Legal Education Opportunity was established in 1968 through the joint sponsorship of the Association of American Law Schools, the American Bar Association, and the Law School Admission Council. The program was created to help economically and educationally disadvantaged students enter law school and complete their education.

Professor Leroy Pernell of the law faculty served as director for the six-week program enrolling 29 students as CLEO Fellows. Director Pernell was assisted by three law faculty, one each from Drake, Iowa, and Wisconsin law schools and by six teaching assistants who were enrolled law students at Capital, Cincinnati, Indiana, Iowa,

Minnesota, and Toledo. The administrative assistant to the director was an Ohio State law student. The program of instruction ran from June 22 to July 31, and 28 students were certified as successfully completing the program.

Students selected for the program qualify on the basis of financial and educational needs. Most often, the objective credentials of these students for law study as measured by undergraduate performance and LSAT scores do not make them competitive for admission at many law schools. The closely monitored performance of the



CLEO fellows pursue after-class discussion.

students and evaluations made by the law faculty provide admission committees with additional criteria for admission consideration. By the time the program was completed at Ohio State, all of the 28 students successfully completing the intensive academic program had gained admission to at least one law school and, for most, admission to two or more law schools. Three of the students enrolled at the College this September.

The program included four courses designed to expose the students to legal concepts, statutory interpretation and application, and to develop analytical and legal writing skills. Students spent three hours a day in classes. In addition students had many individual conferences with faculty and individual and group tutorials with teaching assistants.

Professor Pernell stated that it was an extremely rewarding experience "to see students not admissible for law study by traditional criteria develop the potential and personal confidence for success in law. I learned a lot about how to reach first-year students and give them the skill development necessary for successful study. This will be a continuing benefit to me in my teaching."

The associate director of CLEO made an on-site visitation for two days during the program's operation. In a letter to the college, the executive director of CLEO

wrote that "we were very pleased to note the strength of the academic component and supportive environment provided by your institution" In his letter he also complimented the organization by saying "we would like to acknowledge the tremendous job done by Professor LeRoy Pernell in carrying out his responsibilities as the regional director in such an exemplary manner." The College was pleased to be able to carry forward its commitment to minority students in this meaningful way.

National studies of law school and bar admission performance of CLEO Fellows have shown the impressive success of the program.

The Summer Institute was supported by a grant to Ohio State from CLEO upon acceptance of the grant proposal submitted by the College. 14 law schools in the region provided additional support in the form of cash and/or faculty and student assistants.

Alumni attend spring meetings

On May 1, the National Council of the College of Law Alumni Association held its annual spring meeting. The meeting began with a lunch at the Faculty Club, and Dean Meeks reported on the "State of the College." J. Paul McNamara, council

chairman, announced the appointment of Thomas J. Moyer '64, judge, Court of Appeals for the Tenth District, and Paul E. Pfeifer '66, member of the Ohio Senate and partner with the firm of Cory, Brown & Pfeifer, Bucyrus, as new members of the Council. The chairman also announced the appointment of the 1981-82 Council officers: Thomas Cavendish '53, partner with the firm of Porter, Wright, Morris & Arthur, as the new chairman, and Jacob E. Davis '63, partner with the firm of Vorys, Sater, Seymour & Pease, as the new vice-chairman. Council members presented a resolution of appreciation for the service and leadership given by Paul McNamara as council chairman. The occasion was also marked by a surprise birthday cake in honor of Paul's birthday.

Council members met in the afternoon in their respective committees. Following these sessions, three faculty members discussed specific areas of professional interest. Professor Howard P. Fink discussed ante-mortem dispositions and his work in drafting a model statute. Professor Michael J. Perry reviewed the contemporary debate regarding the role of the Supreme Court in American government, and Professor Peter M. Gerhart discussed what he sees as a changing conception of the role of trademark law.

Newly appointed alumni serving as class



Frank Bazler '53, 1980-81 president Alumni Association, Paul Smart '53, president-elect, and Tom Cavendish '53, chair National Council.

representatives met on the morning of May 1 to discuss the class representative program and the initiation of related support services. Paul McNamara, the chairman of the National Council, greeted them, and Dean Meeks expressed his appreciation for their interest and their involvement on behalf of their classmates. Other participants in the program were Joanne Murphy, assistant dean for alumni services; Jean Cobb, constituent program coordinator for the University Alumni Association, and John Meyer, Development Fund officer. The meeting was preliminary to the formal establishment of the Council of Class Representatives proposed in amendments to the Articles of the College's Alumni



Members of the Alumni Committee, National Council review fund raising and activities.



J. Paul McNamara, outgoing council chairman

Association. Class representatives attended the luncheon and were invited to participate with the Alumni Committee of the National Council.

A reception at the Faculty Club was held at 5 p.m. for National Council members, class representatives, members of the Presidents Club for the College of Law, friends, and faculty. The reception was sponsored by alumni contributions.

Five-year class party held August 29

The Classes of 1977, 1978, 1979, 1980, and 1981 and the College jointly sponsored a summer outing at the Drake Union Shelter House on the Olentangy River, Saturday, August 29. This was the first attempt by the College to promote an activity specially designed for the younger graduates. Although dampened by threatening clouds and some momentary rains, the spirits of those attending were lively as they enjoyed seeing classmates and friends. The consensus of the participants was that the event or other similar activities should continue to be promoted. Among the faculty attending the outing were Dean Meeks, Dean Murphy, and Professors Kindred, Murphy, and Shipman.

College accepts challenge

There are a number of ways to measure the quality of a law school. One important criteria is the loyalty of its alumni as expressed in gift support. The College of Law is proud of the work and dedication of many of its alumni. This support is, and will continue to be, important to the building of endowed funds for such needs as student scholarships, library acquisitions, and faculty-named professorships. Annual contributions to the College's Advancement Fund also provide critical discretionary monies to meet current needs not sustained by state allocations.

But by this same measure, the College accepts the challenge to convince greater numbers of alumni that its educational missions are worth their support. Despite increasing dollar contributions, recent gift records reveal that only about 11-12% of the College's alumni are responding to annual fund solicitations. Ten years ago this number was approximately 25 to 30%. The quality of the College's educational program will depend increasingly upon alumni support.

In 1981, the College accepts the responsibility to do all possible to sustain

the quality of its programs and to seek new alliances for partnership with its graduates. Graduate support and quality programs are inextricably related.

Many of the top-ranked, state-supported law schools in the country find themselves, like Ohio State, more dependent upon private giving at a time when there is increasing competition for private dollars. The College has set a goal to achieve the level of alumni participation as reported by such schools as Michigan, Minnesota, and Virginia.

The annual giving campaign has a new look for 1981.

Annual fund. In cooperation with the OSU Development Fund, the College of Law has undertaken a mail campaign aimed at different giving and nongiving constituencies among the College's alumni. These efforts are designed to encourage increased participation and gift upgrading. These mailings, with appropriate follow-up, replace the general solicitation approach.

Phonathon. Although not a new solicitation approach, the phonathon scheduled for November 4 and 5 was a new part of the College's Annual Advancement Fund drive. Again, the phone appeal by students supported the College's commitment to inform more personally the alumni of its needs.

Area representatives. Dean Meeks and Development Fund Officer John Meyer have been working with groups of alumni in Canton, Dayton, Lancaster, Mansfield, and Youngstown to organize area campaigns based upon personal contacts. Alumni working with the College to coordinate area solicitations are: Chuck Tyburski '64, Canton; Gordan Savage '48 and Harry Jeffrey '26, Dayton; Bill Sitterley '73, Lancaster; Wayne Hohenberger '73, Mansfield; Bill Bodoh '64 and Dick Goldberg, Youngstown.

Because alumni will be speaking directly to other alumni, the gift opportunities can be more detailed and concerns of alumni more fully addressed. It is people working with people that make success stories in fund raising. Area campaigns will be carried to more cities both in and out of Ohio as organization efforts are mobilized.



Dan Minor heads major gift committee

Charles D. (Dan) Minor, '53, has agreed to serve the College as chairman of the newly re-constituted Major Gifts Committee. The Committee is being organized with enthusiastic alumni from Columbus and throughout Ohio and the nation who are committed to assist the College in the important tasks of fund raising. Committee members will help to identify potential donors and to encourage College support. The committee was in the process of organization during the late summer and fall. The committee will work to acquaint alumni and friends with the various opportunities for present and planned (deferred) giving, such as life insurance, testamentary dispositions and life-income trusts. Major gift-giving by alumni and friends in recent years has resulted in the establishment of four named professorships for the College.

The Major-Gifts Committee Members are:

Marshall H. Cox, New York; Raymond P. Cunningham, Columbus; Troy A. Feibel, Columbus; David R. Fullmer, Cleveland; Charles F. Glander, Columbus; Robert D. Hays, Columbus; Duane L. Isham, Akron; Russell Leach, Columbus; Thomas B. Letson, Warren; J. Paul McNamara, Columbus; James Readey, Columbus; J. Gilbert Reese, Newark; Russell G. Saxby, Columbus; Paul M. Smart, Toledo; Richard L. Steinberger, Dayton; Duke W. Thomas, Columbus; John W. Van Dervoort, Columbus; Larry J. VanFossen, Columbus; Paul F. Ward, Columbus; Robert J. Watkins, Cincinnati; James F. White Jr., Toledo; and Donald W. Wiper Jr., Columbus



John Meyer aids fund raising.

Development fund officer aids college

Fund raising is a people business. It takes people working together with confidence of purpose to be successful. This is particularly true as competition for contribution dollars increases.

The College entered the 1980s resolved to carry its appeal for support to more alumni and to present its message more effectively. John Meyer, who joined the OSU Development Fund in February, is helping the College to achieve this goal.

As development officer for the College of Law and the College of Administration Science, John Meyer works directly with Dean Meeks to coordinate the College's fund raising activities with the Development Fund. He accompanies the dean on many of his visits to alumni. He will be working closely with the Major Gift Committee, on projects related to annual giving and on all special support programs.

John received his B.A. from the College of Wooster in 1972 and his M.A. from Kent State University. He began his career in educational fund raising as assistant director of development for the College of Wooster from 1974 to 1978. Before joining

Ohio State, he was director of Alumni Relations and Development for Centenary College of Louisiana from 1978 to 1980.

A personable and experienced campaigner, John will benefit the College in the daily and personal business of fund raising.

Law College Partners formed

Dean Meeks and leading alumni members of the Columbus and Franklin County legal community have initiated a new support relationship. The Law College Partners program was established to provide an opportunity for contributions to be made to the College in the name of law firms. This is an important partnership established to help enrich the excellence of the legal



education provided students at the College.

The rationale for such law firm support is based upon the firm's interest in assuring the highest quality of legal education for the young men and women who will be recruited from the College for firm association. Also, firm support especially designated for the Law Library reflects the firm's desire to have the College maintain a superior research library and to make such a facility available to the practicing bar.

Annual contributions necessary to qualify a law firm for Law College Partner status are determined on a firm by firm basis depending upon the number of College graduates with the firm. Law firms with policies prohibiting firm contributions may qualify for membership in the program through annual gifts from at least 75 percent of the College graduates within the firm. The total of these annual contributions must average \$100 per College graduate in the firm.

This new partnership concept for individual law firms offers an exciting opportunity to enhance support for the College. Law College Partners will be named on a large plaque in the main hall near the College office. Each law college partner also will be given recognition related to the designed project supported by the firm gift. For example, gifts directed to Library support will be recognized with book plates, shelf plates, or special binding inscriptions indicating that the firm is a Law College Partner. The firms will be accorded special services when the need arises and whenever possible.

Program solicitations were begun in late summer. Of the first five firms contacted, all agreed to become law college partners. The firms enrolled in the program as of October are: Chester, Saxbe, Hoffman & Wilcox; Crabbe, Brown, Jones, Potts & Schmidt; Murphey, Young & Smith; Schottenstein, Zox & Dunn, and Schwartz, Shapiro, Kelm & Warren.

Other firms have been contacted during the autumn. The response has been most encouraging, and work is underway for law college partners participation. The solicitations will be extended to other Columbus firms and to other cities as soon as contacts can be made. The June issue of the *Law Record* will publish the complete list of all firms joining in this unique and important partnership with the College during 1981.

Law firm honors Joseph Platt

Joseph Platt, for many years an adjunct member of the OSU Law Faculty, died this past summer. In his memory, his law firm, Porter, Wright, Morris, & Arthur, requested that the name of the Professorship Fund established by the firm last year be changed to the Joseph S. Platt-Porter, Wright, Morris & Arthur Professorship in law. That change was accomplished at the October meeting of the University's Board of Trustees. In memory of Professor Platt, Lawrence Stanley, a retired member of the firm, made a very generous gift of stock worth about \$25,000 to further the progress of the fund. Former students of Professor Platt may wish also to make gifts to this fund in memory of Professor Platt.

College honors President Enarson

Friday August 28, on the eve of the departure of Audrey and Harold Enarson for their new residence in Boulder, Colorado, a small group of faculty and alumni of the College held a dinner at the Columbus Country Club to honor the Enarson's service to the University and the community. The arrangements for the evening were made by J. Paul and Mary McNamara.

Both Audrey and Harold Enarson shared some recollections of their nine years at Ohio State and their excitement about life ahead in Colorado. President Enarson spoke of the strength of the College of Law represented by the abilities and dedication of its faculty and its leadership. He also remarked that in his presidency he had an increasing appreciation for the support of alumni — indispensable partners to the growth and integrity of the University. The president specifically referred to the enriching support given to the College of Law by its graduates. Toasts to the good health and fulfilling future for the Enarsons concluded the College's farewell.

Nordstrom, Wills named professors emeriti

At the June meeting of the Board of Trustees of The Ohio State University, Robert J. Nordstrom and Robert L. Wills were each designated as professor emeritus of the College of Law.

Robert J. Nordstrom, currently a partner with the firm of Porter, Wright, Morris & Arthur, was a member of the faculty from 1951 to 1978 and served as associate dean from 1957 to 1966. He was highly regarded as a teacher and has had many publications, most notably his treatise on *Sales* published by West Publishing in 1970. He coauthored with Norman Lattin, *Sales and Secured Transactions*, West Publishing, 1968 and coauthored with Albert Clovis, *Problems and Materials on Commercial Paper*, West Publishing, 1972. He is currently contributing as a coauthor with Professor Clovis and Dean John Murray Jr., University of Pittsburgh Law School, to a text, *Problems and Materials on Sales*, to be published by West in 1982.

Professor Robert L. Wills retired from the faculty of the College on June 30, 1981 after 35 years of dedicated teaching and service. At the conclusion of his first-year civil procedure classes on May 22, students gave Professor Wills a standing ovation and presented him with a large cake bearing the words "To A Civil Pro" "Happy Retirement." In keeping with a life-long tradition for responsible teaching, Professor Wills resumed order in the class to finish the last five minutes of the day's assignment. When the class hour concluded, Professor Wills had his cake and ate it too. Colleagues and friends gathered at the year-end faculty dinner in May to pay honor to Bob Wills. Under special contract, Professor Emeritus Wills will return to the College Spring Quarter to teach decedent's estates.



Michael Gregory, placement coordinator, discusses interviews with Yvonne Barker, assistant.

College welcomes Michael Gregory

The College welcomes Michael Gregory, who on September 1 became the placement coordinator for the operation of the College's placement program. Mr. Gregory will work directly with Dean Jack Henderson, who has overall responsibility for admissions, financial aid, placement, and operations.

Mr. Gregory comes to Ohio State from Saint John's University, Minnesota where for four years he served as director of Internship and Placement Programs. Mr. Gregory earned bachelor's and master's degrees from Kentucky State University. He has had experience with the Kentucky Office of Economic Opportunity and for three and a half years was involved in cooperative education at Kentucky State University.

Mike Gregory is enthusiastic about this new challenge with the College and looks forward to putting his skills and experience in placement to work for students,

graduates, and participating employers. He had little time for orientation but took to the intense activities of the new school year with ease.

Mike Gregory is glad to be in Ohio and at Ohio State. Both he and his wife, Linda, have family ties in Ohio.

Mike is assisted by Yvonne Barker and one student assistant.

College uses computers for interview program

The Placement Office of the College conducted a full season of on-campus interviews for second and third year students. As of October 1, 1981, 110 different firms, corporations, and agencies had scheduled interviews. To accommodate the interests of both prospective employers and students, the College uses a computer assistance program to assign students to scheduled interviews.

Prior to each interview week, students are given a "preference form" with the names of employers scheduling interviews. Students are asked to select a maximum of five interviews and list them in the order of preference. This information, the student's identification number, and the identification number of each employer are

entered into the computer. The computer randomly selects students for interviews, starting with the highest order of preference. If the employer has specific criteria as to year of study and/or academic credentials or activities, all of this information will be included in the sorting operations of the computer. After the initial cuts are made by student preferences and employer criteria, the list is developed for interview assignments.

The computer assistance program is an aid, not a limitation. Interview times not assigned will be filled by the Placement Office to assure a broad opportunity for student participation. Employers using the placement services are encouraged to extend interview opportunities to meet the interests of students. The computer assistance program began last fall and has proven an efficient aid in matching students and employers.

Over the autumn interview season from October 1 to December 7, the College arranged some 2,300 individual interviews with participating on-campus recruiters. Of the law firms recruiting at the College, about two-thirds are from Columbus and other Ohio cities, and one-third from out-of-state, including Anchorage, Atlanta, Charleston, Chicago, Houston, Indianapolis, Lansing, Los Angeles, Philadelphia, Pittsburgh, Phoenix, New York, and Orlando.

The Placement Office continually works to increase the representation of potential employers in the on-campus program. Current objectives include increasing the diversity of employers participating in interviews and establishing a second recruiting season for the Spring. In addition, the Placement Office offers its services to firms, corporations, and agencies not conducting College interviews but interested in student candidates for employment consideration.

The Placement Office provides support and accommodations for the placement program in the new facilities in Suite 104 on the first floor of the Law Building. Since the Placement Program occupies the same facilities as Alumni Services, mutual cooperation with alumni is enhanced. Alumni of the College provide valuable support services for students by arranging campus interviews or directing interested employers to the Placement Office. Law graduate recruiters receive a warm welcome upon their return.

Class focus: class of 1961

Law school enrollments in the late fifties dropped in comparison to the periods of veteran surges after WW II and the Korean war. The decline in enrollments was also a result of the depression-induced decline in the birth rate. By spring, the 1961 graduates numbered 88. Frank R. Strong served as dean for the Class of 1961, and Professor Lynn is the only faculty member who is still on the full-time faculty.

During the enrollment period from 1958-1961, tuition rose from \$100 per quarter for residents to \$110 per quarter (at present \$680) and about six courses were added to the required curriculum while electives were expanded. The number of faculty and course offerings have both doubled in the last twenty years. Student enrollments have increased by about 300.

The class officers were George R. Voinovich, president, who now serves as mayor of Cleveland, served as Lt. governor of Ohio, held a county office, and was an elected state representative; Richard Longacre, vice president, currently is in private practice in North Olmstead, Ohio; and James P. Bally, secretary-treasurer, is a

partner in the Columbus firm of Brownfield, Bowen, Bally & Sturtz.

Below is the general breakdown of the professional activities of class members as recorded on alumni records.

52 members are in practice

17 in Columbus

28 in other Ohio cities

7 out-of-state

15 members are in business

9 corporate counsel

6 in business, insurance, or banking

10 members are in government service

4 judges

2 elected officials

2 military

2 deceased

1 unknown

Of the seven practicing out-of-state, three are in Arizona, one each in California and Florida, and two remain in the Midwest. In addition to George Voinovich, Thomas A. Bustin is in politics as city attorney in Clearwater, Florida, and Michael Colley is behind the scene as a party county chairman, Franklin County. R. William Jenkins, Tommy L. Thompson, and Roger B. Wilson are common pleas court judges in Ohio, and James D. Booker is a U.S. administrative law judge.

Two members in the military are William O'Connor, major USAF, and William Crane, staff judge advocate, USN. Those in government service are in office from California to Washington, D.C.

Members of the class working as corporate counsel are also located from coast to coast. E. Timothy Applegate, general counsel, for Hilton Hotels Corp. and Larry R. Langdon, tax director, Hewlett-Packard Co. are in Beverly Hills and Palo Alto, California, respectively. On the east coast, Gary A. Samuels is patent counsel for E.I. DuPont DeNemours Co. in Wilmington, Delaware and Edward W. Lincoln is assistant counsel for Heublein, Inc. in Farmington, Connecticut. Three class members — James R. Barton, Gary L. Wharton, and Donald J. Zimmerman — are executives/counsel with Ohio-based insurance companies.

Edward F. Whipps has agreed to serve as class representative to work particularly with communications. A successful twenty-year reunion was held September 19 through the efforts of Jim Bally, Al Cincioni, and Mike Colley. Six members of the class are Presidents Club donors on behalf of the College.

The *Law Record* is pleased to focus on the Class of 1961, whose accomplishments go far beyond this brief summary.

Reese given citizenship award

Each spring the OSU Alumni Association gives recognition to graduates for outstanding avocational service to their communities. J. Gilbert Reese, B.A. '49, J.D. '52, was one of seven recipients of this prestigious award. "Gib" Reese has contributed greatly to community activities benefiting education, recreation, business, and industry in Newark, Ohio, where he resides, and in Licking County. He is a partner in the law firm of Reese, McNenny, Pyle and Drake. He serves as board chairman for the First Federal Savings and Loan Association of Licking County and as a director of Park National Bank of Newark, B & L Motor Freight, and Shaw-Barton. He is a trustee of Dawes Arboretum and of the Columbus Museum of Art and Design. He served as president of the Licking County Bar Association and the Newark Area Chamber of Commerce. He has been a loyal supporter of the College of Law and is a member of the National Council, on which he served as chairman for several years.



Dean Meeks talks with class of '61 members Jim Bally, Mike Moritz, and John McDonald.

Alumni serve development fund

Three alumni serve on the 22 member Board of Directors for the OSU Development Fund. John Drinko '44, James W. Phillips '49, and Melvin L. Schottenstein '58 are serving five-year terms.

Alumni appointed to California courts

Don R. Work, '58, was appointed by Governor Brown to the Court of Appeal, Fourth District-Division One, San Diego. Judge Work resigned from the Superior Court Bench upon appointment in August 1980. He was appointed to the Superior Court in January 1976 and was elected to the position in 1978. Judge Work went directly to California from law school, missing commencement in order to meet the residency qualification for the bar examination. He went to work for the District Attorney's Office for Imperial County, El Centro, California and entered private practice in 1960. He has been active in the California State Bar and was appointed to the first commission on legal specialization in the field of criminal law.

Zel Canter, '65, was appointed by Governor Brown to the Superior Court for the County of Santa Barbara (Santa Maria Branch) and took office on June 26, 1981. Judge Canter is filling a vacancy created by retirement and will run for the remaining term in June 1982. In an article appearing in the *Santa Ynez Valley News*, June 18, Judge Canter was described as "an expressive man, a voracious reader, a man who reflects upon his own life and accomplishment in order to improve himself . . . He is truly a realist, and a man of honor. He does not have an evil bone in his body, yet he stands firm in his convictions."



Marty Steinberg in Senate office.

Alumnus directs Senate investigations

Marty Steinberg, 1971 graduate of the College, was appointed in June of 1979 as chief counsel of the United States Senate Permanent Subcommittee on Investigations; he now holds the title of chief minority counsel. The subcommittee has the jurisdiction to investigate and hold public hearings on issues of government operations, intergovernmental relations, national security, labor management, energy, and organized crime. Marty oversees a staff of 50 and directs Senate investigations and public hearings, acts as liaison with legislative officials and other branches of government, and represents the Senate in its dealings with foreign officials and chiefs of state on various substantive and fiscal matters, primarily criminal.

Some of the Senate investigations in which he has been involved include: the impact of narcotic profits, "narco dollars," on the American economy; the witness protection program; the Teamsters and ILA Unions; the transfer of American technology to the Soviet Union; and international drug trafficking. Most investigations lead to recommended legislation in which he is involved in drafting; he refers to a number of bill

enactments and pending legislation. He has travelled to Asia and South America to participate in international conferences and to meet with governmental officials regarding law enforcement, particularly international drug traffic.

Marty was well qualified for his current position through his experiences with the U.S. Department of Justice. After a one-year judicial clerkship, he went to Washington in 1972, and within six months was assigned to the Miami office for the South Eastern Region, Organized Crime and Racketeering Section. During the next six years, he was one of the trial specialists assigned to the department's "special strike force," which handled complex investigations and prosecutions. Marty was asked to recount several of his more interesting cases. In 1974, he prosecuted Richard Nell, alleged in publications to be one of the most violent labor leaders in America. Marty said that Mr. Nell is now leading a much quieter existence in jail. In 1978, Marty prosecuted the Cravero Gang, a confederation of some 30 extremely dangerous narcotics importers who had eluded enforcement authorities for a number of years. Through a team effort, all were convicted and given the longest sentences ever directed in such a prosecution at that time. Marty

indicated that a number of persons were "eliminated" during the indictments and trials; he also made the "hit list" as later testified to before a Senate investigation. In 1977 and 1978, Marty received the Special Commendation Award of the Department given by the attorney general.

In 1978, he was assigned as attorney in charge of the New York Regional Offices, Organized Crime and Racketeering Section. In this position he organized the crime program and the "strike force." During this time, the office broke up a major ring of arsonists operating in New York. Some 100 were convicted or pleaded guilty.

During many of his years with the Justice Department, Marty was trying cases back to back throughout the South Eastern region and sometimes throughout the country. During that time he had the opportunity to prosecute against excellent and nationally recognized defense lawyers. When asked what he thinks most essential to become a good prosecutor, he quickly responded, "lots of perseverance and hard work, which includes nights, weekends, and sometimes vacations."

In his present position, Marty often is asked to testify before state crime commissions and finds time to teach a course in constitutional law at the American University in Washington, D.C. He has enjoyed being involved with public service over the past ten years. However, he will leave government after the first of the year to become a partner with the firm of Holland & Knight, Miami, Florida. He will be involved with civil litigation which he looks forward to as a new professional challenge.

Before coming to Ohio State, Marty received a degree in pharmacy from the University of Pittsburgh; he has worked as a registered pharmacist. He indicated that this background has been useful to him in his work with crime related to drugs. He graduated *cum laude* from the College and served on the *Law Journal*.

Oxley elected to Congress

Michael G. Oxley, '69, was elected to the U.S. House of Representatives in a special election held June 25, 1981 to fill the vacant Fourth Ohio District seat. Congressman Oxley was sworn into office July 21, 1981 by House Speaker Thomas P. O'Neill.

Congressman Oxley began his legislative career in 1972 as the 82nd district state representative to the Ohio General Assembly. He was returned to Columbus for four terms of office before resigning his state post to become a member of Congress. Prior to his election to the General Assembly, Congressman Oxley served two years as a special agent of the Federal Bureau of Investigation. He worked on criminal investigations in Boston and New York. While in the Ohio House of Representatives, he served as the ranking

minority member of the Judiciary and Criminal Justice Committee. His assignments as a member of Congress include the Select Committee on Narcotics Abuse & Control, the House Government Operations Committee, and its subcommittee on Environment, Energy & Natural Resources.

Congressman Oxley's move to Washington, D.C. and the organization of his Washington staff were accomplished in short order. He attributed his ability to move quickly through his orientation to congressional life to the valuable experiences he gained in state government.

Thomas C. Montgomery, '80, has joined the congressman's Washington staff as a legislative assistant. Mr. Montgomery previously served as a staff attorney to the Ohio Rehabilitation Services Commission in Columbus.



Congressman Oxley sworn in by Speaker O'Neill; wife and son participate.

Profile of a Law Professor

Law teaching has long been an attractive career option for lawyers. In recent times, however, law teaching faces increasing competition from the practicing bar for both the potential, as well as the experienced, teacher. The *Law Record* through this new feature will explore the motivations of those attracted to law teaching by acquainting our readership with various members of the College of Law faculty.

It can be said, although some may disagree, that the law professor's primary mission is teaching. Yet, the law professor's activities lead beyond the classroom to a much broader and more diverse professional environment. How do law professors use their time? What are the satisfactions of teaching versus full-time law practice? These are some of the questions that will be explored with faculty through interviews conducted for this feature.

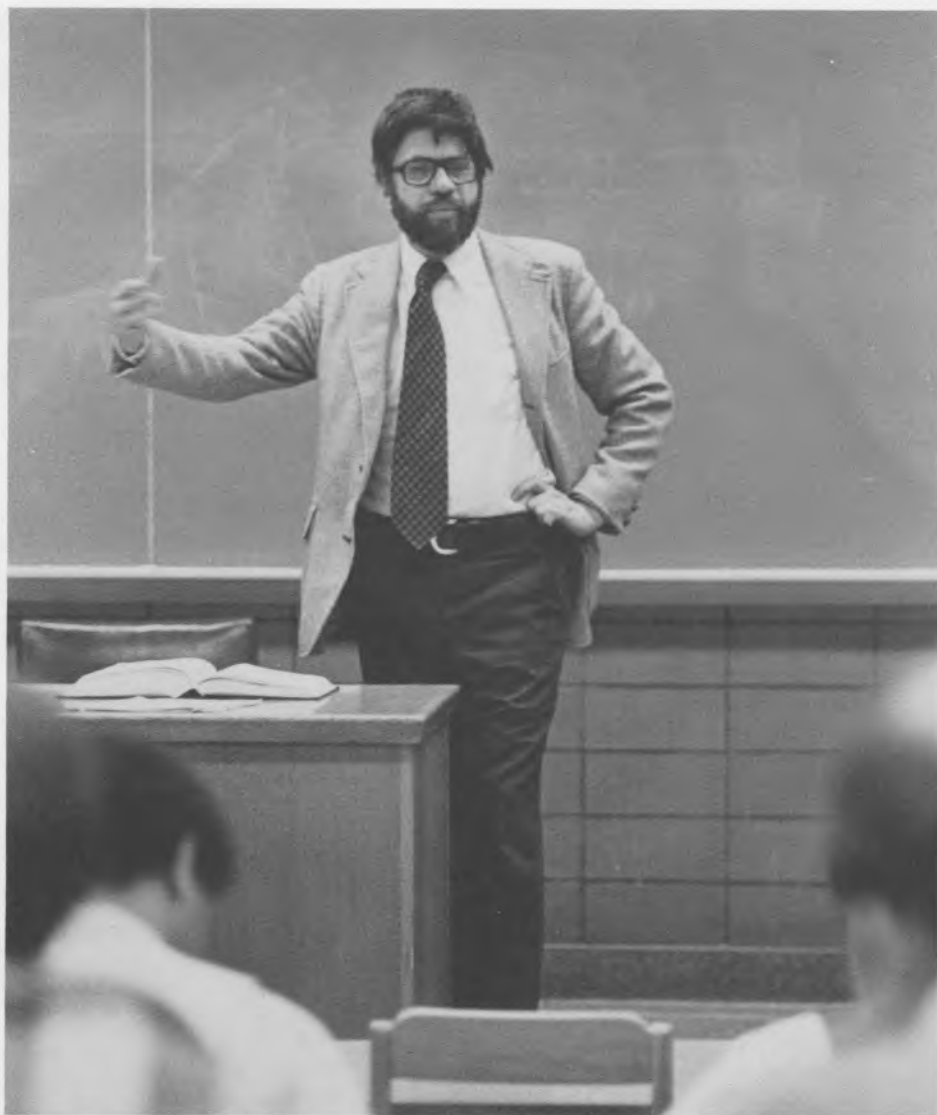
We are pleased to begin this series with an interview with Professor **Howard P. Fink**. Professor Fink joined the faculty in 1965 and teaches civil procedure, federal courts, and various seminars.

Q. How did you happen to go into law teaching?

A. After graduation from Yale Law School in 1958, I was asked by Professor J. W. Moore to stay on as a research associate, working with him on his treatise, *Moore's Federal Practice*, occasionally teaching his classes, and working with him in consulting on private cases. I found this to be a most rewarding combination of endeavors. Within a month after graduation from law school, I was working on a section of Moore's treatise, tracing the common-law background of the state and federal courts and also working on a brief in a case before the Second Circuit Court of Appeals, which we eventually won. Except for some time in the Army, I stayed at Yale with Professor Moore for seven years before coming to Ohio State in 1965. I turned down some other offers to go into publishing or teaching. When the offer came from Dean Rutledge at Ohio State, I realized that it was either leave the nest or perhaps never again get another offer as good. Seven new professors came to Ohio State that year. Only Al Clovis and I remain from that group.

Q. Did you enjoy teaching from the start? Who helped you the most?

A. I enjoyed teaching from the first day. It wasn't exactly new to me since I had had



Professor Howard Fink.

a seven-year apprenticeship with a fine teacher and scholar before beginning. On my arrival, many faculty members offered a helping hand. I was taught most by Bob Wills, who was my colleague in civil procedure for sixteen years before his retirement last year; Bob Nordstrom, who now practices law in Columbus for the Porter, Wright firm; and Bob Lynn, whom I first met as my teacher the year he was visiting Yale in 1958. I learned a great deal from them about how to grade examinations, which for me has always been the most formidable part of law teaching. Bob Wills also helped me on questions of Ohio law, and I was able to share my knowledge of federal procedure

with him. I couldn't have had more willing colleagues.

Q. Did these colleagues teach you how to teach? Or was that Professor Moore?

A. The great thing about working with Professor Moore was that he never told me anything; he gave me full responsibility from the start. I was lucky enough to be teaching civil procedure classes at Yale within a year after I had graduated. I knew what I had liked and had not liked about my classes as a law student and had a pretty good idea of what the students needed in a teacher — primarily, thorough and complete preparation for every class.

Law teaching is the most lonely of jobs. No one really can help you very much. One

would think that you could learn by observing more experienced teachers. In a sense you did that in law school, watching your own teachers. But, once on the faculty, it is extremely rare for one faculty member to sit in on the classes of a colleague. But even if one did, it would probably not do him much good. Teaching is more a function of one's own personality and values than of some established methodology. I was influenced by some of my teachers at Yale — Wesley Sturges, Frederick Kessler, J. W. Moore, and F. S. C. Northrop.

Q. Were you ever frightened to go into a classroom?

A. No. The only thing that ever frightened me was trying to explain the difference between general and special assumpsit.

Q. Do you still teach the forms of action?

A. Yes I do. As I said, immediately after finishing law school, I went to work on a section of Moore's treatise dealing with the common law. I realized how much I had not learned in law school. I don't believe one can understand today's civil procedure without understanding the forms of action. One doesn't understand what the codes reformed if one hasn't tried to grasp the forms of action.

Q. Do the students see it that way?

A. Not always.

Q. Do you think a great deal about the strategy you will follow in a particular class? How you will teach it?

A. No, I don't do that. Thinking too much about strategy makes one self-conscious. It's like trying to think of the methodology for riding a bicycle while doing it. You'd fall off if you thought too much about it.

Q. You are known as a rather stern, if not to say abrasive, teacher among some of your students. Does this bother you?

A. I would rather say serious, not stern. It is offensive to many students, weaned on television, and educated in universities having classes with as many as five hundred students in one room, to stand up and confront ideas and defend their positions. I realize that the teacher is in a somewhat unfair position — he or she has the advantage of years of study. But one should judge performance by the goal — to teach lawyers to think, to think on their

feet, to learn by making mistakes and then improving, to overcome adversity, and to grow strong and self-confident. That's the goal, anyway. It may not always work, but usually it does. I don't care about day-to-day popularity. Show me the product in ten years and I'll tell you if I've done a good job. I think our product by and large is very good. Practitioners are very pleased with Ohio State students.

Q. Don't you believe teachers should be friends to the students, play basketball with them, and go to beer parties with them?

A. No. The best friend a student can have is a teacher who takes the job seriously and prepares for every class as if it is the first. Teaching is partly acting. A good actor gets off the stage immediately after the show and doesn't then come back afterwards and share the popcorn.

Of course, there are exceptions. If a student comes to me with an emotional problem, I will see that he gets immediate help. If he has a question that cannot be answered from the reference books, he can always come by and ask.

Q. What is your goal in teaching?

A. To create strong, self-confident graduates.

Q. What has been your greatest source of satisfaction in teaching?

A. I have been here long enough to see graduates well along in their careers. Persons whom I remember as frightened neophytes on the first day of law school, I later worked with as young associates and still later as maturing partners. Students from my seminar in law and the political process are now in local and state government and in the United States Congress.

Q. To what extent do you feel research and publication are part of a law professor's professional responsibility and what relation does this have to one's teaching ability?

A. The difference between a mere instructor, even the best, and a scholar, is that the latter does independent research and writing instead of only parroting the work of others. Writing and scholarship are indispensable to the superior law teacher. It is the way he or she sharpens the mind and brings greater insight to the courses being taught.

Scholarship takes many forms — writing casebooks and treatises, writing articles and monographs, preparing teaching materials, creating computer programs. It is not polemics or speeches or newspaper articles — these may be based upon scholarship prepared for another medium, but they are not subject to the same rigorous scrutiny, editing, writing and rewriting as is true scholarly work.

Q. How do you apportion your time between teaching and other activities?

A. I spend two or three hours preparing for each hour of class. This leaves half the week to do other work. I have spent a good deal of time over the years on College matters. I have been chairman of the Academic Affairs Committee and the Admissions Committee. I have done a great deal of work on our admissions system and on minority admissions in particular. We had one of the first affirmative action programs in the country at Ohio State, beginning in 1968.

One of my great satisfactions was in helping to change our grading system as the quality of our admittees improved. When I first came here, about a third of our first-year class flunked out. I hated that. The University allowed us to limit enrollments in 1966 and the flunk-out rate dropped dramatically to the point where it is almost non-existent today. I believe we should only admit students whom we think will graduate and then do our best to see that they do.

Q. What opportunities has law teaching afforded you for community service, writing, and other activities?

A. The beauty of law teaching is its freedom to pursue one's interests to a conclusion. I have written on a number of subjects. My article on "Ante-Mortem Probate" in the *Ohio State Law Journal* resulted in three states adopting procedures whereby testamentary capacity can be established by declaratory judgment while the testator is alive, avoiding the possibility of a will contest on that issue. I wrote sections of Moore's *Federal Practice* for nineteen years.

I have also been interested in the political process. I was legal counsel to the Ohio McGovern for President Committee in 1972. After we won a large share of delegates, I led the McGovern delegation to the convention and learned a great deal about convention politics before television cameras. I have advised on other political campaigns including those of both U.S.

Senators from Ohio.

I teach a seminar on law and the political process which began with my own political involvement, but which is as non-partisan as I can make it. I also did a study for the Academy for Contemporary Problems entitled "Approaches to the Problem of Law Voter Participation in the United States."

Lately I have been very concerned about attempts to deprive the United States federal courts of jurisdiction in unpopular cases, such as school busing and abortion. I managed to get an article published on the subject in the *New York Times*. It was republished in a number of other newspapers. I hope to testify before Congress on the subject this winter.

Q. What about community service?

A. I have advised various groups such as the League of Women voters and the Sierra Club. I have often appeared on television news and radio news. My greatest satisfaction comes from using my legal ability for my Temple. We just built a new building, and I worked the conditional use permit through the Worthington Planning Commission and City Council. I then negotiated the sale of the property and worked with a major benefactor on the project. I have also played an active role in the Columbus Jewish community and on our Temple Board and the Hillel Foundation here on the campus. I was president of the Hillel Board of Trustees.

Q. It is said that the widening gap between compensation of the successful practitioner and the successful law professor is eroding the ability of law teaching to attract and retain good law teachers. Do you agree? Do you think there will be a change in law teaching as we have traditionally known it?

A. There has always been a gap between the gross income of law teachers and that of full-time practitioners. It will not be the salary differential as such which will be decisive. Whether we can attract good people will depend on their preferences and aspirations. During the late sixties, when we made many additions to the faculty, the world of commerce and business seemed a little less attractive to the brightest graduates — they were more interested in teaching or public-interest law. Perhaps we are in a different phase now, but we do not have sufficient evidence to make sweeping judgments.

For myself I would only contemplate leaving if I came to believe that legislative action or law school policy made it seem



that my professional progression was likely to be thwarted in the future. Although last fall it looked like that might be happening because of the budget crunch, the crisis seems to have passed for the time being.

Q. Do you ever miss practicing law?

A. I practice law all the time as a consultant on many different kinds of cases. I have worked on cases involving matters as diverse as the trademark for "Big Boy" hamburgers to that of defending the electors pledged to Jimmy Carter in 1976 in a suit that attempted to enjoin them from voting in the Electoral College. I brought one of the first suits challenging excessively long state durational residency requirements for voting. These laws were later struck down by the U.S. Supreme Court. I have had the privilege of appearing before Judge Kinneary and Judge Duncan in our local federal court and of working with

many former students on all sorts of cases. At present I am involved in a multimillion dollar suit involving a cable television franchise.

Q. How do you keep it all straight?

A. It is all one subject. The law. I practice what I teach and I teach what I practice. I love the law and the law profession. In what other profession could a poor boy like me, who washed dishes and worked in factories to put himself through law school, sometimes have the chance to affect national and state affairs and also have the chance to teach so many students. I have been very lucky to have gotten a teaching position at Ohio State. I've visited a number of other schools and have had offers to stay, but I've always come back.

Faculty News

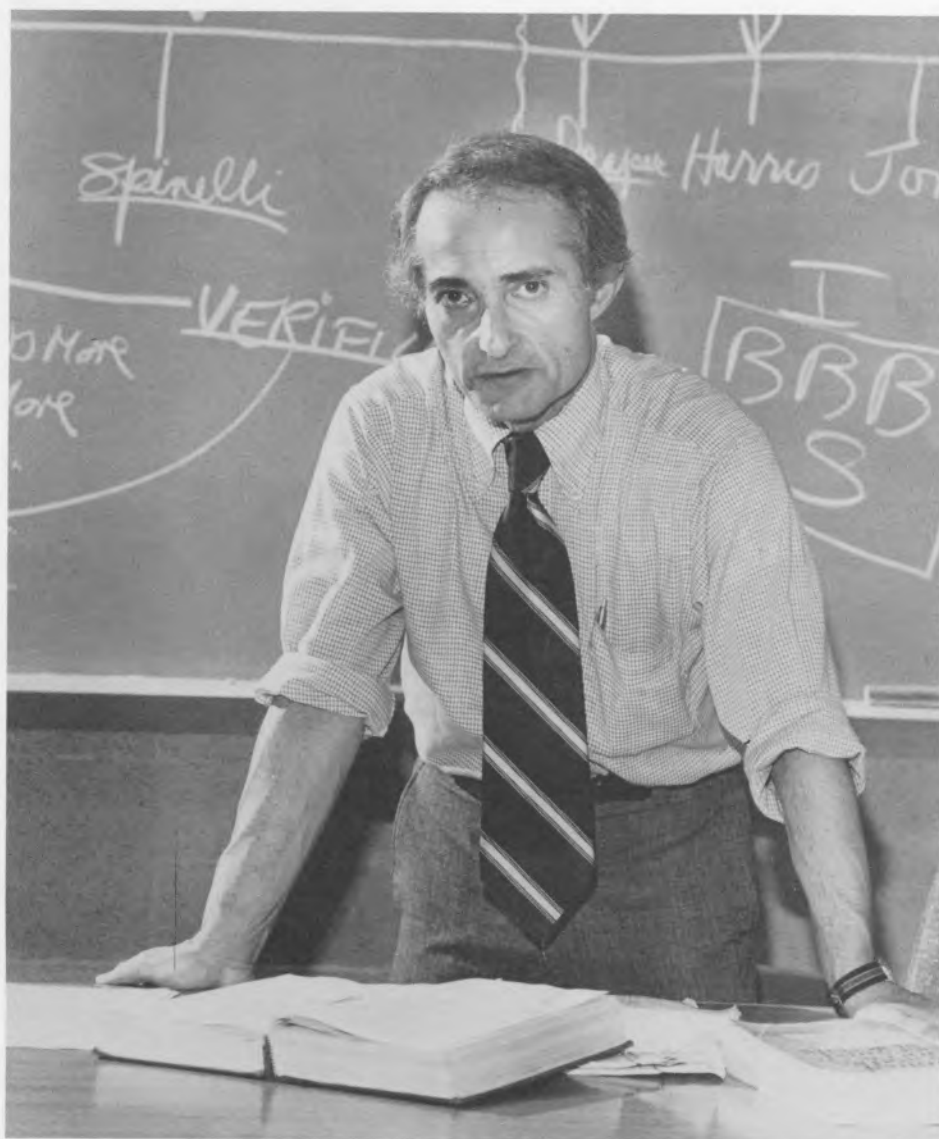
Professor Herman receives distinguished teaching award

Lawrence Herman, Presidents Club Professor, College of Law, received the University's 1981 Alumni Distinguished Teaching Award. Professor Herman was one of eight professors recognized for outstanding teaching from among the total university faculty of some 3,100.

The award program is supported by the Amoco Fund and alumni contributions. This award recognizes the important contributions of faculty who distinguish themselves in classroom teaching. Nominations for this award are widely solicited from throughout the University. The Awards Committee, made up of faculty, students, and an alumnus, screened over 100 nominations in order to select the 20 semi-finalists. The committee then randomly selected student evaluations taken from the last four quarters. These evaluations served as the final basis of selection.

Professor Herman joined the faculty in 1961. He became a full professor in 1964 and received the Presidents Club Professorship in 1979. In recent years, his classroom teaching has been in the areas of criminal law and criminal law procedure. He is adviser to the Appellate Practice Program, which includes required research and appellate advocacy for first-year students and voluntary enrollments for second and third-year students. Through his encouragement, enthusiasm, and supervision, the College of Law has developed an excellent appellate practice program and outstanding student success in regional and national moot court competitions. Professor Herman is highly regarded not only for his outstanding teaching ability but also for his extraordinary personal interest in his students' welfare.

A long tradition of teaching excellence continues to be a hallmark of the College of Law. Professor Herman is the fifth member



of the College of Law faculty to have received the Alumni Distinguished Teaching Award. The fact that such recognition has been given to Professors Clovis, Herman, Shipman, Slain (now at NYU), and Whaley is one verification of

this tradition of teaching excellence. Professor Herman's award will surely not be the last for the College of Law faculty.

In 1977 and 1979, Professor Herman received the Outstanding Professor Award. Each year, graduating seniors vote for the professor to receive this award, which is presented at the June hooding ceremony.

Professor Kindred returns from year in France

Michael Kindred returned to the College of Law after spending the 1980-81 academic year in France on a professional development leave. His leave was devoted primarily to comparative law research. It was funded in part by the Dana Fund for International and Comparative Legal Studies.

Professor Kindred described the year as an opportunity to integrate academic interests from two periods of his career. Immediately after his graduation from law school in 1962, Professor Kindred spent two years in French law studies, earning a master of comparative law degree from the University of Chicago and a French master's degree from the University of Grenoble. Recently, Professor Kindred has studied the development in the United States of the rights of the mentally disabled and also has taught criminal law.

According to Professor Kindred, the professional development leave provided an opportunity to use earlier training in French law to gain a new perspective on problems in his areas of current interest.

Professor Kindred carried on his research at two specialized centers within the University of Paris Faculty of Law — the Institute of Criminology and the Institute of Comparative Law. He also delivered a series of lectures on the U.S. legal system at the Comparative Law Institute of Strasbourg and had the opportunity to meet with members of the Secretariat of the Council of Europe concerning its initiatives to ensure the rights of the mentally disabled and the need for criminal justice reform. Professor Kindred indicated that he found the increasing importance of the European governmental institutions in the nations of Europe quite striking.

On the French national front, Professor Kindred devoted much of his effort to the study of a major piece of criminal justice reform legislation that was being debated and passed during his period in France. According to Professor Kindred, this legislation was pressed by then-President Giscard d'Estaing's minister of justice as a major "law and order" bill. It was called the Law to Strengthen the Security and Protect the Liberties of Citizens and it provided for increased mandatory prison sentences, accelerated criminal trials, a broadening of the conspiracy offense, and the police power to demand personal identification

from individuals and to detain persons unable or unwilling to establish their identity. It was criticized by the Socialist opposition leader, Francois Mitterand, and others as repressive. It had been pressed by the government in the pre-electoral period and became an issue in the French presidential election of May, 1981, which was won by Mr. Mitterand, the Socialist candidate. The Mitterand government has promised to repeal the Law on Security and Liberty, as well as to repeal the death sentence, abolish an exceptionally powerful Security Court, and provide individual Frenchmen with access to the European Court of Human Rights.

Professor Kindred says that he thought the past year was a fascinating time to be in France, but conceded that he might find any other year fascinating in its own way.

Law professors attend economic institute

Professors Rhonda Rivera, Kathryn Sowle, and Claude Sowle of the faculty were selected as participants at the Economics Institute for Law Professors held from July 12 to 31 and sponsored by the Law and Economics Center, Emory University. The Institute was held at the Hanover Inn, Dartmouth College, Hanover, New Hampshire. 25 law professors from 19 law schools throughout the country participated in the intensive three-week program designed to further understanding of economic principles and their operation.

The Institute faculty included Henry Manne, director of the Institute, School of Law, Emory University; Armen Alchian, professor of economics, University of California, L.A.; Harold Demsetz, professor of economics, University of California, L.A.; and George Benston, professor of accounting, economics, and finance, University of Rochester. The lectures were reported to be "stimulating," the dialogue "lively," and the program immensely "beneficial." As one participant indicated, "it is always interesting and helpful to watch the skills demonstrated by effective teachers. As a professor, you do not often get the opportunity to be a student, which in and of itself, is a worthwhile experience."

The ultimate objective of the seminar

was to enhance the law professor's awareness of the relationship of law to economics and vice versa. To achieve this objective, the seminar was designed to provide an intensive course in economics — the basic concepts, the controversies, and some of the literature of the discipline. With this base of sounder understanding, the law professor can more effectively integrate the potential or real consequences of economic impacts imposed by the law as it is legislated, administered, and adjudicated. Few areas of the law escape the effects of economics.

The three participating professors from Ohio State agreed that the seminar was well designed and well conducted. The application of the learning experience will be different for each as applied to his or her teaching in areas such as torts, criminal law, and commercial law and to specific areas of research and professional activities. Through their individual pursuits, the faculty participants feel that the ultimate objective of the seminar will be realized.



Professor Whaley authors book on warranties

Professor Douglas J. Whaley's *Warranties and the Practitioner* was a fall publication of the Practising Law Institute, New York, New York. The 270-page book deals with the legal issues that complicate warranty suits for the practitioner representing either the plaintiff or defendant. The book

is organized to help the lawyer advise the client-seller on how to regulate or limit liability exposure and to take the lawyer through the structure and defense of a lawsuit based upon warranties. The book deals with both code and non-code warranties and includes discussion of the Magnuson-Moss and Consumer Product Safety Acts.

Professor Whaley received his J.D. from the University of Texas in 1968 and practiced with the law firm of Chapman and Cutler, Chicago. He has been in law teaching since 1970 and joined the faculty of the College of Law in 1975. Professor Whaley teaches contracts, commercial law, and consumer law and for 1981-82 he will teach first-year property.

Professor Whaley recently authored *Problems and Material on Negotiable Instruments*, Little, Brown and Company, 1981. His book has had many adoptions by law teachers, and he has been asked by the publisher to undertake another case book in commercial law.

Professor Whaley's successes as a scholar have not been at the expense of his teaching. He may be unique in the country in having won the Best Teaching award at the three law schools where he has taught.

Professor Upham visits at Harvard

Professor Frank K. Upham, associate professor of Law and associate director of East Asian Studies, The Ohio State University, has been appointed as the Mitsubishi Visiting Professor at the Harvard Law School for the 1981-82 academic year. The Mitsubishi Chair was established at Harvard by a grant from the Mitsubishi Corporation, one of the largest business organizations in Japan. This funding promotes the appointment of outstanding Japanese legal scholars to offer courses in Japanese law and trade regulation.

Professor Upham is the first person to occupy the Chair for a full academic year since its establishment and only the second American to receive this distinguished appointment. The only other American law schools with similar support for study in Japanese law are Columbia and the University of Washington.

Visiting Professor Upham taught during the fall semester a course on the interaction of Japanese law and society, focusing on the

role of law in the control and regulation of Japanese society and business.

Additionally, he offered a seminar in Japanese legal documents requiring reading and analyzing various legal documents written in Japanese. In the spring semester he will teach a course in Japanese public law, which will emphasize constitutional and administrative law, theory, and practice. Of particular interest will be how the Japanese government influences the private sector, especially business behavior, without direct legal sanctions.

During the spring semester 1982, Professor Upham will be half-time on a research grant which is supported jointly by Harvard and a grant from the Japan-United States Friendship Commission administered as an American Bar Foundation Fellowship in Japanese Law.

Professor Upham's fellowship grant runs from January 1982 to August 1982.

Professor Upham plans to continue his research in Japan during the summer of 1982 and possibly the summer of 1983.

Professor Upham's research will be directed to the development and pragmatic application of administrative law and processes to the regulation of business. His tentative focus will be on the allocation of market quotas and emission controls to the automobile industry. In Japan, Professor Upham will interview people in government, including the Ministry of International Trade and Industry (MITI) as well as people in the automobile industry. He will seek to determine the formal and informal processes operating in these areas of selected business regulations and the relationship of legal command to



cooperative agreements through identified negotiation and mediation processes. His research will be comparative in development.

Professor Upham was given early exposure to oriental culture by his grandfather who served in the Army in the Phillipines and by his father, who, as a naval officer, was assigned extensively to the Orient. Professor Upham first visited Japan in the summer of 1965 when he taught English in Tokyo after the end of his sophomore, undergraduate year. During his last two years at Princeton, he continued his study of Japanese and Chinese history and economics. Following graduation, he was appointed an instructor in the Department of Western Languages at Tunghai University, a Chinese University in Taichung, Taiwan from 1967 to 1969. During this time he learned Chinese. Professor Upham spent 1969-70 in Vietnam as a free-lance journalist working mainly for *Time* magazine.

He entered Harvard Law School in the fall of 1970. At the end of his second year, through cooperative efforts of the law school, he spent the 1972-73 academic year at Kyoto University, Japan, as a special student. His wife, Leslie, accompanied him, and during that year she learned Japanese, and they both taught English on a tutorial basis. His wife continues her interest in Japanese and is now outreach coordinator for the OSU East Asian Studies Program. They work together in some areas of research, including joint contributions to a recent compendium work, *Business and Society in Japan: Fundamentals for Businessmen*, Praeger Press 1981.

Upon completion of his law studies in 1974, Professor Upham clerked for Massachusetts Superior Court in Boston and during 1975-77 served as assistant attorney general for Massachusetts. With a practical background in American law practice, Professor Upham turned his attention to his interests in Japanese law and eventual teaching. During 1977-78 while a visiting scholar at Doshisha University, Kyoto, he received a fellowship from the Japan Foundation, which supported research in Japan on Japanese environmental law. In the fall of 1978, he was appointed assistant professor at the College of Law. Professor Upham has published a number of articles on various aspects of Japanese law, the most recent of which appeared in the latest volume of *Law in Japan: An Annual*.

Professor Upham lauds the Japanese library collection and staff support of the

College of Law. In addition to his teaching of property law and administrative law, Professor Upham offers specialized courses in Japanese law and has worked on translation and other research projects with several Ohio State students with Japanese language skills. These and other students are interested in the study of Japanese law and trade regulation. Professor Upham notes that law students with Japanese language skills are aggressively pursued by the large law firms. He further believes that effective trade and legal relationships are best developed by Americans who understand Japanese culture and who are willing to expose themselves to understanding the language and societal attitudes affecting Japan's business organization and business practices.

Professor Upham will return to full-time teaching at the College of Law in the fall of 1982.

New appointments at the College of Law



Harriett Galvin has been appointed assistant professor. She received her B.A. from the University of California, Berkeley in 1968 and a J.D. from Brooklyn Law School, 1976 (cum laude), where she was senior editor of the *Brooklyn Law Review*. She received a LL.M. from Yale University last June. From 1976 to 1980, she served as assistant district attorney of New York County. Professor Galvin teaches evidence, a course in white-collar crimes, and a seminar in criminal prosecutions.



Dean Timothy Jost has been appointed assistant professor. He received a B.A. from Adlai Stevenson College, University of California with honors in history, 1970 and a J.D. from the University of Chicago with honors, 1975, where he became a member of the Order of the Coif. He has been associated with the Elderly Project, Legal Assistance Foundation of Chicago since November, 1980. His work has centered on law reform for low-income senior citizens. He has worked with Legal Services since 1975. Professor Jost teaches property law and a public health seminar.



Charles E. Wilson has been appointed assistant professor. He received a B.S., with highest distinction, from the University of Kansas in 1973 and a J.D. from New York University School of Law in 1976, where he was elected a member of the Order of the Coif. Upon graduation, he served as law clerk to Judge Lewis of the United States

Court of Appeals for the Tenth Circuit. He was an associate of the firm of Sullivan & Cromwell, New York City, from 1977 to 1981. Professor Wilson teaches labor law and civil procedure.

Murphy named C. William O'Neill Professor

Earl Finbar Murphy was named by the Board of Trustees upon the recommendation of Dean Meeks to the C. William O'Neill Professorship of Law and Judicial Administration at the College of Law. The professorship was established in 1979 by the many friends of the late chief justice of the Ohio Supreme Court. Professor Robert L. Wills was the first recipient of the Professorship, which he relinquished upon his retirement in June.

Professor Murphy received his J.D. from Indiana University, Indianapolis Division, and his LL.M. and J.S.D. from Yale University. He began law teaching in 1958 at Temple University Law School and joined the faculty of the College of Law in 1969. While at Ohio State, Professor Murphy has taught property, environmental law, land use planning law, natural resources law, legal history, jurisprudence, restitution, mortgages, and other courses. He has published five books in the area of environmental law, the last being *Energy and Environmental Balance*, Oxford and New York, Pergamon Press, 1980. In addition, he has contributed chapters to some seven books or published reports, has written numerous articles, essays, and book reviews, and has participated in many programs and panels.

Professor Murphy serves this academic year as chairman of the Promotion and Tenure Committee of the College. He also is on the editorial board of the *American Journal of Legal History* and is vice president of the World Society of Ekistics. From 1970 to 1980, he served on various special committees of the ABA in the area of environmental and energy law and was the first chairman of the Ohio Environmental Board of Review.

Individual news items

Nancy S. Erickson participated in a panel discussion on "Common Law Disabilities of Married Women: Equity and the Married Woman's Property Acts," at the Fifth Berkshire Conference on the History of Women, held in Poughkeepsie, New York, on June 16, 1981; made a speech on "Recent Supreme Court Decisions and the Need for the Equal Rights Amendment," sponsored by the U.C.L.A. History Department in Los Angeles on May 16, 1981; participated in a panel discussion on "Sex and Censorship in American Cinema" at the Ohio-Indiana American Studies Association Conference at Indiana University, Bloomington, on April 18, 1981 and in a panel discussion on "Women, the Law of the Creator, and the American Legal Profession, 1830-1920," at the Organization of American Historians Annual Meeting in Detroit on April 13, 1981. Professor Erickson's interest in legal history is connected with her involvement in the Society for the Study of Women in Legal History, which she founded in 1979, and which now has a mailing list of 250 scholars. Campus activities included a Women's Service "brown bag" discussion of the "Legal Aspects of Dysmenorrhea (Menstrual Discomfort)," on May 21, 1981 and lectures to several undergraduate classes in sociology and women's studies. Professor Erickson also appeared on Channel 6 television in Columbus on August 1 to discuss the appointment of the first woman justice to the United States Supreme Court.

Peter M. Gerhart has an article, "The Competitive Advantages Explanation for Intrabrand Restrictions: An Antitrust Analysis," in the June 1981 issue of the *Duke Law Journal*. The article presents an economic analysis of the reasons why a manufacturer restricts competition between his dealers and explains why,

contrary to some academic commentary, the antitrust prohibition on resale price maintenance is fully justified. A second article tentatively titled, "The Supreme Court and Antitrust Analysis: Comments on Recent Cases," which is being reviewed for publication, seeks to explain how recent Supreme Court antitrust pronouncements can be synthesized into a unified and useful analytical framework.

David Goldberger was a keynote speaker at the Illinois First Amendment Congress held in Springfield, Illinois on March 14. His speech, titled "The Press: Its Own Worst Enemy," discussed how the emphasis on dramatic and sensational news to maximize circulation was fueling efforts to restrict first amendment freedoms. In July, he appeared on the Appalachian Community Service Network television seminar in Lexington, Kentucky. The topic was law enforcement needs and students' rights in the public schools. In August, he was appointed to serve as a member of the Rules of Criminal Procedure and Evidence Committee of the ABA's Section of Criminal Justice. The committee will review various proposals for legislative and court rules reforms. Professor Goldberger is currently participating in jail-conditions litigation pending in Chicago and is one of the attorneys appealing the conviction of an ERA advocate for bribery in offering to raise campaign funds for a legislator in return for his vote for ERA in Illinois.

Jack Henderson coordinated the Law School Admission Council workshops for prelaw advisers held in Los Angeles in February and in Dallas in October. He also attended the annual meeting of the National Association for Law Placement Officers in Boston in June.

Lawrence Herman has concentrated his activities on the death penalty. He twice testified at Ohio legislative committee hearings; wrote an op-ed article for the *Akron Beacon Journal*; presented speeches at the annual meeting of the Ohio Public Defenders Association and at a meeting of the Lawyers Committee of the Central Ohio Civil Liberties Union; and conducted seminars for the Ohio Judicial College and the Ohio Judicial Conference. He is now writing a critical analysis of Ohio's new death penalty law for a manual that will be

published by the Ohio Public Defenders Association.

Louis A. Jacobs coauthored with Gary W. Spring, a recent graduate, "Fair Coverage in Internal Union Periodicals," for *Industrial Relations L. J.*, 204 (1981). The article evolved from Professor Jacobs' graduate studies in labor and was supported by a research grant. The authors canvassed over 100 union periodicals to provide empirical support for the legal argument that union periodicals should print more news of challengers and less homage to incumbents. In pro bono litigation, Professor Jacobs orally argued a summary judgment motion in federal court on the Freedom of Information Act's impact upon Central Intelligence Agency activity on campus. He also served "of counsel" on a petition for certiorari to the United States Supreme Court on whether jurors' religious bias disclosed in deliberations can be used to impeach the verdict or as other grounds for relief. Professor Jacobs also authored the chapters on Title VII and the federal civil rights acts for the Fall 1981 Supplement to Callaghan & Company's *Equal Employment Compliance Manual*. He coauthors the monthly newsletter that updates the manual.

D. Timothy Jost wrote "Model Recommendations: Intermediate Sanctions for Enforcement of Quality of Care in Nursing Homes," a monograph issued by the A.B.A. Commission on Legal Problems of the Elderly. The study sets out model standards for states to follow in adopting legislation for enforcing quality of care regulations in nursing homes by means other than and "intermediate" to delicensure. It also includes commentary on legal and practical problems states have encountered with intermediate sanctions. The study also includes a fifty-state survey of the current state of nursing home reform legislation.

Michael Kindred presented a paper on October 1, titled "Changing Values and Perceptions of Fact as Factors in the Development of the Law: The Legal Rights of the Mentally Retarded," at a conference at the East Carolina School of Medicine in Greenville, North Carolina. The conference on Natural Abilities and Perceived Worth: Rights, Values, and Retarded Persons, will publish the proceedings in a *Philosophy and Medicine* monographs series.

Stanley K. Laughlin delivered a paper, "United States Government Policy and

Social Stratification in American Samoa," to the annual meeting of the Association for Social Anthropology in Oceania held in San Diego, California.



Robert J. Lynn has written "Reducing Pension Costs Now: Three Suggestions," to be published in the *Arizona Law Review*, and "Investing Pension Funds for Social Goals Requires Changing the Law," to be published in the *Colorado Law Review*.

Lee Modjeska has completed *Administrative Law - Practice and Procedure*, scheduled for publication in March 1982. The treatise sets forth the fundamental principles of federal administrative law, substantive and procedural, with emphasis on areas of current controversy and litigation. Professor Modjeska has also completed a supplement to his earlier book, *Handling Employment Discrimination Cases*, published by Lawyers Co-Operative Publishing Company, Rochester, New York, 1980. The supplement is scheduled for publication in Spring 1982. Professor Modjeska is currently writing a labor law treatise. He recently published an article titled "Decisions of the Supreme Court, 1979-1980 - Labor Relations and Employment Discrimination Law," in 1980 *U.C.-Berkeley Industrial Relations Law Journal*. He has completed another article, titled "In Defense of the NLRB," to be published in spring 1982.



Michael Perry recently published three articles: "Interpretivism, Freedom of Expression, and Equal Protection," 42 *Ohio State Law Journal* 261 (1981); "The Principle of Equal Protection," 32 *Hastings Law Journal* 1133 (1981); "Noninterpretive Review in Human Rights Cases: A Functional Justification," 56 *New York University Law Review* ____ (1981). Professor Perry read a paper to the Symposium on Constitutional Adjudication and Democratic Theory, sponsored by the New York University Law Review and held in New York City in March 1981. In July 1981, Professor Perry was a guest lecturer at Kent Greenawalt's seminar on Constitutional Theory, sponsored by the National Endowment for the Humanities and held at the Columbia University School of Law, New York City. In October 1981, Professor Perry was a participant in the Conference on Congress and the Supreme Court, sponsored by the American Enterprise Institute and held in Washington, D.C. In the autumn of 1982, the Yale University Press will publish Professor Perry's book: *The Constitution, the Courts, and Human Rights: An Inquiry into the Legitimacy of Constitutional Policymaking by the Judiciary*.

John Quigley is currently a member of the editorial board of the Ohio State University Press. Last spring he participated in a series of eight debates on foreign policy issues on the "You in the World" program on QUBE-TV. Last summer he attended a month-long seminar on human rights in Strasbourg, France. His recent speeches include "Current U.S. Policy Towards El Salvador: Five Myths," presented to the Columbus Chapter of the American Association of University

Women; "Marxist Legal Systems" delivered at the Ohio Northern College of Law; and "Human Rights on the West Bank of the Jordan River," presented at Ohio University. He delivered a paper titled "Sexual Freedom for Homosexual Persons: A Human Right" at the Conference on the Law and the Fight for Lesbian and Gay Rights in Pittsburgh; and read a paper titled "Human Rights and Palestine: Recent Developments" to the United Nations Seminar on Palestine, Havana, Cuba. He also prepared a paper titled "Illegality of United States Military Assistance to the Government of El Salvador" for a conference of the American Association of Jurists in Managua, Nicaragua; and a paper titled "Threat to the Peace in the Persian Gulf: The Carter Doctrine and United States Military Intervention in the 1980s" for the Eleventh Congress of the International Association of Democratic Lawyers, Malta. He wrote book reviews of Raja Shehadeh's, *The West Bank and the Rule of Law* in both the *International Lawyer* and the *Journal of Palestine Studies*, and of Barry, Ginsburgs, & Maggs', *Soviet Law After Stalin*, in the *Slavic Review*. He wrote an opinion-editorial article in the *Columbus Dispatch* titled "U.S. Taxpayers Subsidize Israel's Anti-Peace Policy." He participated in a discussion program titled "Human Rights in China" on WOSU radio. He discussed the United States' agreement with Iran to free the U.S. hostages on QUBE-TV. He was interviewed by Columbus television stations on U.S. policy in El Salvador, the U.S. attitude toward the Palestine Liberation Organization, U.S. immigration policy toward Iranian students, and the status of Irish Republican Army prisoners in Northern Ireland.

Michael D. Rose has published "The Prohibited Interest of Section 302(c)(2)(A)" in 36 *Tax Law Review* 131 (1981). He also prepared for West Publishing Co. the 1981 edition of *Selected Federal Taxation Statutes and Regulations* and a supplement based on the Economic Recovery Tax Act of 1981.

Morgan Shipman delivered the Law Forum Lectures at the College of Law last spring. His topic was "Conflict of Interest Problems of Lawyers." In June 1981, he was named the Outstanding Law Professor at the College of Law by the 1981 graduating class.



Professors Claud Sowle, Rhonda Rivera, and Kathryn Sowle attend Law and Economics Seminar.

Rhonda R. Rivera has participated in a number of programs throughout the spring and fall as workshop leader, panelist, and lecturer. The programs and topics included: "Feminists and Other Minorities", Case Western Reserve Lecture Series, February 17; Workshop on Professional Development of Women Legal Educators sponsored by the American Association of Law Schools, March 26; "Women and the Law", OSU Faculty Women's Club, April 16; "Legal Challenges to Discrimination" and "Property, Taxes, Inheritance Laws, and Other Financial Matters", 12th National Conference on Women and the Law, April 4; "Legal Position of Homosexual Persons in America", Oberlin College, April 24; "Custodial Issues in Lesbian Mother Cases" and "Legal Issues for Non-Married Cohabitors", 1981 Mid-West Regional Conference on Women and the Law, October 3; "Rights of Non Married Cohabitors", University of Louisville School of Law, The Louisville Law Forum, November 5. Professor Rivera serves as treasurer of Ohio Women, Inc., and on the Advisory Board of OSU Women's Studies, the Vestry of St. Stephen's Church, and the Bishop's

Council, Diocese of Southern Ohio. She is active in other community and professional organizations.

Charles A. Thompson recently published two revised volumes of a five-volume procedural set on Indiana pleading and practice, which he coauthored eight years ago. The set, titled *Indiana Forms of Pleading and Practice*, published by Matthew Bender Company, includes text with forms and covers the Indiana civil rules. The third volume of the set is in the process of revision and a sixth volume covering criminal procedure will be added in the coming year. Professor Thompson, with Professor LeRoy Pernell, is writing a book on habeas corpus to be published by Practising Law Institute.

Student News

Hoarding ceremonies for June graduates

Hoarding ceremonies for the 1981 College of Law graduates were held at Mershon Auditorium, May 31. The Honorable John D. Holschuh, United States Federal District Court, 6th Circuit, was the invited speaker to address the graduates and their families. Margaret Reis, SBA president, Dean Meeks, Assistant Dean Murphy, and Professor Wills participated in the ceremonies.

Leadership awards were presented to Stephen R. Brennenman, Margaret Reis, and Steven W. Mershon. Among other awards were recognitions for outstanding contributions to the *Law Journal* presented to Richard Schuster, Christopher D. Trail, and Jon A. Christensen. Dennis Edward Cichon was presented an award for his activities concerning civil liberties. The first Judge William M. Drennen Award for highest achievement in the federal tax curriculum was awarded to Michael Hosler.

Following the ceremonies a reception sponsored by the College of Law Alumni Association was held at the Ohio Union.

1981 graduates elected to Coif

The Ohio State University College of Law Chapter of the Order of the Coif elected twenty-three members from the Class of 1981. Students receiving this nationally recognized honor completed their law studies with grade performance ranking them in the upper 10% of the class.

The members elected to the order are: Stephanie Joe Baker — Baker & Hostetler, Cleveland; Stephen Robert Beckham — Phillips, Lytle, Hitchcock, Blaine & Huber, Buffalo, N.Y.; Stephen R. Brennenman — Powell, Goldstein, Frazer & Murphy, Atlanta, Ga.; Frederick John Caspar — Eckert, Seaman, Cherin & Mellott, Pittsburgh, Pa.; John Richard Chema — Squire, Sanders & Dempsey, Columbus; Diane Marshall Ennist — Vorys, Sater, Seymour & Pease, Columbus; Phillip Garth Gartrell — Porter, Wright, Morris & Arthur, Columbus; Philip John Halley — U.S. District Court, Milwaukee, Wis.; Daniel James Hunter — Scott, Walker, Kuehnle, Columbus; Joseph Raymond Karpowicz — Brownfield, Bowen, Bally & Sturtz, Columbus; David Alan Laing — Alexander, Ebinger, Fisher, McAlister & Lawrence, Columbus; Steven Wade

Mershon — Vorys, Sater, Seymour & Pease, Columbus; Mark Stephen Miller — Zacks, Luper, Wolinetz, Columbus; Candada Jo Moore — Squire, Sanders & Dempsey, Cleveland; James David Robenalt — Thompson, Hine & Flory, Cleveland; Diane Marie Signoracci — Bricker & Eckler, Columbus; Todd Shawn Swatsler — Jones, Day, Reavis & Pogue, Columbus; Steven Walter Tigges — Murphey, Young & Smith, Columbus; Christopher D. Trail — Porter, Wright, Morris & Arthur, Columbus; Donna Lynn Wise — Champaign, Illinois; Susan Carol Wittemeier — Goodwin & Goodwin, Charleston, West Vir.; and Kay Woods — Jones, Day, Reavis & Pogue, Cleveland.

participated in the judging process. Serving on the bench for the final round of arguments were the Honorable Alba L. Whiteside, '54, Court of Appeals; David E. Northrup, '72, Attorney General's Office; and Sheldon A. Taft of Vorys, Sater, Seymour & Pease.

Outstanding performance awards for the first-year participants were given to Douglas H. Cook, Columbus, as best oralist; and Timothy M. Kelley, Columbus, Gayle E. Parkhill, Dublin, and William M. Phillips, Mentor, for best brief.

Awards presented for the 1980-81 program to third-year students were given to Keith Bartlett, Columbus, outstanding senior adviser; Jacquelin Davis Keister



Members of the 1981-82 National Moot Court Team — Denise Dembinski, Don Leach, and P.J. Janis; Mark Minsky is absent from picture.

Students receive moot court awards

Detailed organization and cooperation of students with faculty, alumni, and other members of the Columbus bar contributed to the successful completion of the first-year moot court program, 1980-81. Over 230 first-year students competed in the spring appellate advocacy program, which included three eliminating rounds. About 100 lawyers, many of them alumni who had been active in the College's moot court program, participated on three judge panels to hear arguments. Faculty also

(chief justice), Columbus, Iona E. Evans, Lancaster, Barbara R. Friedman, Beachwood, and Thomas D. White, Gahanna, as joint recipients of the George R. Benneman Memorial Award for outstanding contributions and performance; Douglas H. Marshall, Findley, received the Topper Eagle Award.

The 1981-82 Governing Board is made up of Donald Leach, Bexley, chief justice; the associate justices are: Laura Demetry, Pontiac, Michigan; Jeffrey Fort, Columbus; Bruce Rutsky, University Heights; Jonathan Miller, Philadelphia, Pennsylvania; Mark Minsky, Columbus; Dorothy Tabron, Memphis, Tennessee; and Patricia Woods, Columbus. Nan Jones, Barnesville, is the clerk of courts.

Student wins writing competition

David H. Meade, Akron, won first prize in the ABA Family Law Writing Competition. Mr. Meade submitted his paper entitled "Consortium Rights of Unmarried Couples" and was awarded a \$500 cash prize during the summer. He was a student of Professor Nancy S. Erickson for family law.

Kramer heads SBA

The president of the Student Bar Association for 1981-1982 is Suzanne M. Kramer, a third-year student from Wheeling, West Virginia. Her undergraduate program in American studies at Chatham College, Pittsburgh, Pennsylvania, included a semester of study at American University and an intersession at Washington and Jefferson College. She was an active participant in student government and served as a dorm president and the yearbook faculty and staff editor at Chatham.

Suzy Kramer has continued her leadership activities during law school, serving as managing editor of *Hearsay*, the student newspaper, as a first year representative to the SBA Senate and as a delegate to the Phi Delta Phi's 1981 Convention. She produced and directed the Law School Talent Show during her first year and served as law school social chairman during her second year. In addition to her classroom studies, she held a research assistantship last year and is currently working as a legal intern in the Ohio Attorney General's Office. Her law school achievements include the Moats Leadership Award and semi-finalist placement in the 1981 client-counseling competition.

During her term as SBA president, Suzy Kramer hopes to increase the visibility of the College through an active Community Programs Committee. She also wants to encourage more interaction among faculty and students through the Faculty/Student Committee. She views her major responsibility in the office of SBA president as keeping the channels of communication open between the students and the administration. As SBA president, Suzy Kramer appreciates the special opportunity to meet with alumni and to work with them in expanding areas of mutual support.

Other officers and chair appointments for the 1981-82 academic year are: Mary Beth



Suzy Kramer, SBA president, and Lindsay Vinsen, orientation chair.

Houser, Youngstown, secretary; Randy Freking, Cincinnati, treasurer; Sue Whitsitt, Port Huron, Michigan, S.B.A. book exchange; Mike Florez, Cincinnati, placement; Melanie Clemmons, Hamilton, alumni relations; and Jim McGuinness, Aurora, and Teri Dorrow, North Ridgeville, social.

225 students begin law study

Autumn Quarter began September 21 with the orientation of 225 first-year students. Following a social mixer Sunday evening sponsored by the Student Bar Association, it was down to the business of law study preparation Monday morning. The orientation program chaired by Lindsey Vinsen, a second-year student from Marion, Iowa, began with a convocation in the Law Auditorium.

Welcoming remarks were made on behalf of the Student Bar Association and by Dean James E. Meeks. In keeping with a tradition of the College, the Honorable Robert M. Duncan, judge of the Federal District Court, was invited to give the orientation address. Judge Duncan's remarks were appropriately encouraging and challenging as he congratulated the 225 men and women who had chosen to study law at "one of the best law schools in the country." Professor Arthur Greenbaum gave the welcome on behalf of faculty and spoke to the students' impending "classroom experience" with a blend of humor and common sense.

The 1981 entering class was selected from 1,339 applications for admission. The 225 enrolled students presented median credentials of a 3.62 undergraduate record and a 641 LSAT score. The students represented 85 different undergraduate

institutions. 34 percent of the first year students are women and 11.5 percent are minority students; the median age is 24.

During the Autumn Quarter, first-year students are enrolled in federal income taxation, civil procedure, contracts, and torts. By providing three to five multi-sections for all first-year courses, the College offers first-year students varying learning experiences.

School newspaper adds zest

The student newspaper *Hearsay* is produced and published by students. It keeps students informed about law school activities and provides various opportunities for humor, cartoons, and general "steam-letting" by student writers and contributors. Jimm Eby, second-year student from Toledo, is the editor for the current academic year. Funding for the paper is provided by the Student Bar Association.

One of the features that has received special attention is "Scholastic Sportsman," written by Dan Shaban, a third-year student from Mansfield. A sample of the feature is reproduced by courtesy of *Hearsay*.

Scholastic Sportsman

Law school's like a game ya' know
It constantly has you on the go.
It has its winners and its losers
Most of the latter are winos and boozers.
The competition is always tough
Leaving everyone's feelings a little rough.
The race to see who's number one
Makes you treat your friends like scum.
A drop in the polls and your hopes are dashed.
A rise, and those checks are as good as cashed.
Those on Law Journal have their works paraded.
Those that aren't might as well be traded.
Each September the season starts anew
Only to leave us, in June, battered and blue.
The rookies come in with such high hope,
But are soon put in their place by the professor's dope.
Of course the veterans are skilled at the game -
They've learned to pass without any shame.
It's Meeks Stadium where you come to play
And only rarely do you see the light of day.
The practices are extremely long and hard

Making every inch seem like a yard.
 And game time is not much more fun
 When, with 20 minutes left, 2 questions
 remain undone.
 As you vainly try to call time-out
 You realize answer number one's in doubt.
 After 3 years of this, you wonder where the
 time a-went,
 And why you're an unemployed free-agent.
 Why you put up with it is a mystery to me.
 Just another question to be asked of Lee.

Law Journal staff at work

Glenn Myers, a third-year student from Kentwood, Michigan, was elected in the Spring as editor-in-chief of the *Ohio State Law Journal* for 1981-82. As editor-in-chief, his first responsibility was to appoint the members of the 1981-82 Editorial Board with the approval of the out-going board members. Serving with editor Meyers for the academic year are: administrative managing editor, Gregory Stype, Wooster; editorial managing editors — Mary Brant, Columbus and Thomas Hampton, Barnesville; issue planning editor, William Wahaff, Columbus; research editor, Cathy Blackburn, Columbus; articles editors — Frank Darr, Columbus; Kurt Erlenbach, New London; Marlene Goldberg, Columbus; Richard Mancino, South Euclid; Sue Simms, Columbus; David Ventker, Columbus; note and comment editors — John Byrnes, Worthington; Judy Dippel, Columbus; James LeMay, Bay

Village; Thomas Szykowny, Garfield Heights.

At the end of each academic year, the top ranking 15 students in the first-year class are invited to staff membership on the *Journal*. This year all eligible students accepted membership. Additional staff positions were awarded through an annual writing competition for students completing their first or second year. During the summer, 61 students participated in the writing competition. Of this number, 16 were accepted for appointments, bringing the total number of staff members to 31. All other students competing and who submitted papers which met detailed standards were given one hour of credit without grade.

The fall 1981 issue carries a lead article by Judge Carl McGowan of the United States Court of Appeals, Washington, D.C., titled "Regulatory Analysis and Judicial Review." Appearing in the same issue is an article "On Validity of State Takeover Regulations," which deals with the state response to two current cases, the one *MITE Corp. v. Dixon* noted *sub nom* *Edgar v. MITE Corp.* has just been granted certiorari, 49 U.S.L.W. 3824. This makes the article quite timely and possibly influential in the ultimate outcome of the litigation. The fourth and final issue for the 1981-82 staff is planned as a symposium on commercial law. The editors are hopeful that the issue will include articles by some of the original drafters of the U.C.C. and other recognized scholars in the subject areas of commercial law.

Constitutional law symposium heralded

The June issue of the *Law Record* reported that the *Ohio State Law Journal* Symposium: Judicial Review versus Democracy, Volume 42, Number 1 (1981) provided a forum for an important and controversial issue of legal theory. The 434 page collection of articles by 15 distinguished scholars of constitutional law has achieved more attention than was anticipated in the planning stages. From throughout the country, members of the bar, professors, persons involved with current issues of legislative restraint of judicial review, and persons planning related seminars are among the many requesting this issue.

The demand has nearly depleted the initial run, and plans are now under consideration for an additional printing. Given the nationwide attention and the many complimentary letters to the staff, this symposium is one of the most successful issues in the history of the *Law Journal*. It most surely will serve as one of the major sources of commentary on the issue of judicial review. The *Law Record* compliments the 1980-81 staff and Professor Michael Perry of the faculty, who contributed to the symposium and was helpful in planning and soliciting the articles.

College tops in bar exam

College of Law candidates who took the July Ohio bar examination passed with a success rate of 93.6%, surpassing the performance of candidates from all other Ohio law schools. The University of Cincinnati ranked second with a pass rate of 85.4%. Of the total examinees, 76% were successful compared with 85.2% for the 1980 July bar examination. Dean Meeks and the faculty congratulate all of the successful candidates. The *Law Record* on behalf of the alumni welcomes to the Ohio bar all new members from the College of Law.



Some members of the 1981-82 Law Journal editorial board.

Alumnotes

1925

Robert L. Mellman, Columbus, Ohio, made a contribution to the law school in honor of his twin grandsons, Barry A. Mentser, who is an entering freshman at the College of Law in Sept. 1981 and Garry I. Mentser, who graduated magna cum laude, Boston University in June 1981.

1939

Paul W. Brown, formerly justice, the Supreme Court of Ohio, is now associated with Thompson, Hine and Flory, Columbus.

1946

Addison E. Dewey, Columbus, Ohio, was elected the 1981 Professor of the Year by the Capital University law students, marking his fourth time for this award; he also received the 1981 Capital University Alumni Achievement Award for exceptional service to society, community, profession, and church.

1948

Robert W. Rowley, Toledo, Ohio, was installed as president of the Toledo Bar Association in July 1981.

1956

Gordon A. Ginsburg is a brig. general with the U.S. Air Force and is at Andrews AFB, Washington, D.C.

Theodore Schneiderman has been appointed a judge of the Municipal Court, Akron, Ohio.

1957

Roger F. Day is a partner with Porter, Wright, Morris & Arthur, Columbus.

Ronald G. Galip is partner in the firm of Galip & Manor, Youngstown.

Thomas A. Muntzinger is with the U.S. Embassy in Abidjan, Ivory Coast, Africa.

1958

Kenneth E. DeShetler is vice president for legislative and regional affairs, Nationwide Insurance Company, Columbus.

William G. Harrington is with Mead Data Central, New York, New York.

Edward R. Kimmel is judge, Common Pleas Court, Greene County, Xenia, Ohio.

Harry A. Sargeant Jr. is judge, Common Pleas Court, Sandusky County, Fremont, Ohio.

David A. Ward is vice president and general manager of the European division, Owens Illinois, Inc., Toledo.

1959

Richard Fraas is senior vice president &

trust officer, The First National Bank & Trust Co., Troy, Ohio; he serves as vice president, Miami County Bar Assn. *Richard Patchen* is a partner with Carlile, Patchen, Murphy, & Allison in Columbus. *John Y. Taggart* is a partner in the tax department of Windels, Marx, Davis & Ives in New York City.

1960

John R. Casar is senior vice president for First National Bank & Trust Co., in Stuart, Fla.

1961

Robert N. Wistner, Columbus, Ohio, was sworn in as secretary-treasurer of the Columbus Bar Association and is a partner in the firm of Wistner & Foley, Dublin. *Donald J. Zimmerman* is vice president and secretary of the Ohio National Life Insurance Co., Cincinnati, Ohio.

1962

Robert J. Perry is the new president of the Columbus Bar Association and is a partner in the firm of Perry & Boyuk, Columbus, Ohio.

1963

James P. Miller is a partner with Buckley & Miller, Wilmington, Ohio.

S. Michael Miller serves as prosecuting attorney of Franklin County; prior to this appointment and subsequent election, he served as judge, Franklin County Municipal Court 1977-80.

Robert C. Quinn was appointed insurance commissioner, State of California, San Francisco, California.

Paul H. Roskoph is a partner with the firm of Ream, Train, Horning, Maxwell, Ellison & Roskoph, Palo Alto, California; he is serving as president of the American Lung Association for a two county area.

Frank J. Uvena is vice president & general counsel of R.R. Donnelley & Sons Company, Chicago, Illinois; previously with McDermott, Will & Emery in Chicago.

1964

David C. Faulkner is a partner with Faulkner & Faulkner, Kenton, Ohio.

Marvin C. Miller is in solo practice, Columbus; his spare time is taken up with his 120 acre farm residence.

Thomas J. Moyer is judge, Court of Appeals, 10th District, Columbus.

Arnold R. Shifman is a partner in the firm Shifman & Friedman, Canton, Ohio.

Stanley S. Smith is in general practice in Grove City, Ohio.

Jon R. Spahr is judge, Municipal Court, Newark, Ohio.

William L. Stehle is practicing as William L. Stehle Co. L.P.A., Columbus.

Charles J. Tyburski is a partner with the firm of Black, McCuskey, Souers & Arbaugh, Canton, Ohio.

Donald R. Wheeler is general manager of Sterling Grace Municipal Securities Corporation, New York.

1965

Thomas L. Gire is with the Interstate Commerce Commission since 1968; he served as personal staff adviser to the acting chairman.

Stephen S. Gussler and *Leo Hall* are partners in the firm of Marquis, Gussler, Hall, Hosterman & Lucks, Ashville, Ohio. *Thomas A. Hansen* is a partner with Coen, Breidenbach & Johnson, Dayton, Ohio.

O. Charles Hosterman is judge, Municipal Court, Pickaway County, Circleville.

Franklin C. Lewis is assistant secretary and senior attorney for the East Ohio Gas Co., Cleveland.

Frank J. McCown is a partner with Crowe & McCown, Ironton, Ohio; past international president of Phi Alpha Delta Law Fraternity & currently chairman of Advisory Board for 1980-82.

James A. McLaughlin is a professor, College of Law, West Virginia University, Morgantown, West Virginia since 1968.

Jerry Petersen is a partner in Petersen & Ibold, Co., L.P.A., Chardon, Ohio.

David P. Rupp Jr. is a partner with Rice, Plassman, Rupp & Hensal, Archbold, Ohio.

1966

James H. Bradner Jr. is a partner with Bradner & Studzinski in Chicago, Illinois; president, The Heller-Aller Company, Napoleon, Ohio; lecturer IIT/Chicago Kent College of Law; commissioner, East Skokie Drainage District, Lake County, Illinois.

David L. Grayson is senior counsel for the Proctor & Gamble Co. in Cincinnati, Ohio.

Victor R. Marsh Jr. is a partner with Black, McCuskey, Souers & Arbaugh in Canton, Ohio.

Richard W. Price is vice president & trust officer, Clinton County National Bank, Wilmington, Ohio.

Thomas J. Short is a partner with Hoeffel, Funkhouser, Short & Hanna in Napoleon, Ohio.

1967

Martin D. Altmaier is a partner with Morrow, Gordon & Byrd, Newark, Ohio; he serves as president of the Newark Kiwanis Club.

Wayne T. Gill is a partner with Walton, Lantaff, Schroeder, Carson in West Palm

Beach, Fla.

Nancy Kay Drake Hammond & her husband, *Robert L. Hammond '67*, practice as partners, Hammond & Hammond, in Washington Court House, Ohio.
Stuart B. Schneck invented, patented, and is manufacturing an hydroponic gardening system for home use through the B&C West Ltd., San Francisco, California.

1968

John P. DiFalco is in practice in Greeley, Colorado.

Donald E. Ely is a recent associate with Boehm, Rance, Pritchett, Brantner & Robinson, Columbus.

Mark Edward Kaufman is with the firm of Bruen, Kaufman & Hatfield, San Francisco, California; he is an instructor at the City College of San Francisco and at Hastings College of Law.

James W. Luse serves as prosecuting attorney, Fairfield County, a position he has held since 1975.

Ronald J. Perey is a partner in the firm of Reed, McClure, Moceris & Thonn, Seattle, Washington.

H. Marcus Price III is with the Gulf Oil Company, Legal Division, in Singapore.

Carl D. Rafoth is an associate with Luckhart, Mumaw, Morrisroe, Zellers & Robinson, Youngstown, Ohio and serves as a general counsel & member of the Board of Eastern Ohio Pharmaceutical Assoc.

David M. Selcer is a partner with Baker & Hostetler, since Dec. 1980.

Terry S. Shilling is law director of the City of Elyria, Ohio.

John H. Wolfe is in private practice in Ironton, Ohio and served as president, Ironton Chamber of Commerce 1980-81.

1969

William M. Isaac became chairman of the Federal Deposit Insurance Corporation, Washington D.C. on August 3; he previously served as director of the Corporation.

1970

Karen Adkins is an attorney in the Consumer Products Division of Borden, Inc., Columbus.

Thomas A. Carpenter is a stockbroker with the firm of Dean Witter Reynolds, Inc. in Bakersfield, California.

Fred W. Crow III is prosecuting attorney for Meigs County, Pomeroy, Ohio.

Steven B. Hayes is judge, Franklin County Municipal Court; he was recently reelected in an uncontested election.

Keith H. Jung is with the firm of Crabbe, Brown, Jones, Potts & Schmidt, Columbus, Ohio.

Robert Koblentz, partner with Scott, Koblentz & Binau, Columbus, was recently elected trustee of Franklin County Trial Lawyers Assoc.

Robin E. Phelan is a partner with Haynes & Boone, Dallas, Texas.

Stephen E. Renneckar is a partner in the firm of Scott, McLean & Renneckar in Tucson, Arizona.

1971

John F. Bender is judge, Municipal Court, Bucyrus, Ohio.

Robert E. Buck is judge, Common Pleas Court, Probate Division, Meigs County, Pomeroy, Ohio.

Thomas M. Freiburger has recently joined the firm of Owen, Wickersham & Erickson, San Francisco, Calif.

Clifford E. Haines is with the firm of Litvin, Blumberg, Matusom & Young, Philadelphia, Penn.

Almeta A. Johnson is a partner with the firm of Johnson, Keenon & Blackman, Cleveland.

Ronald A. Kramer is assistant general counsel with Questor Corporation, Toledo, Ohio.

Michael H. Mearan is a partner with the firm of Bannon, Howland, McCurdy, Dever & Mearan, Portsmouth, Ohio.

James S. Oliphant is a partner with Porter, Wright, Morris & Arthur, Columbus.

J. Terrence Porter is with the firm of Olmsted, Schwarz & Kahle, Port Charlotte, Fla.

Richard G. Stein has joined the trust department of Ameritrust Co., Columbus.
Richard G. Terapak is senior counsel for Bank One, N.A., Columbus.

1972

James R. Harris is a land manager with POI Energy, Inc., Cleveland.

David A. Gowdown is judge, County Court of Montgomery County; he served by special appointment as judge, Common Pleas Court from Aug. 1980 to Nov. 1980.
Michael W. Hartshorn, a partner with Krumm, Schwenker, Fisher & Hartshorn in Columbus, was awarded The Outstanding Young American Award in 1980.

Stephen W. King completed the advanced trial advocacy seminar conducted by the Court Practice Institute in Chicago, Illinois where he earned the status of diplomate.

Brian L. Masony is in solo practice in Christiansted St. Croix, Virgin Islands, after leaving the Legal Services of the Virgin Islands.



Howard Harcha '51 coordinates alumni activities for Portsmouth area.

George A. Meier recently became a partner with Pitts, Eubanks & Ross in Orlando, Fla. Gary E. Snyder is a partner with Macey & Zusmann, Atlanta, Georgia. Gerald A. Stimmel is a sole practitioner in Kirkland, Washington, following appointment as deputy prosecuting attorney.

1973

Craig D. Barclay is a partner with Porter, Wright, Morris & Arthur, Columbus. Charles K. Bennett is an administrative officer with Fifth Third Bank, Cincinnati. William J. Davis is a partner with Aronson, Fineman & Davis Co., L.P.A., East Liverpool, Ohio.

Charles F. Geidner is a partner with Geidner & Claypool, Dayton, since January 1981.

Joseph Litvin is practicing as Joseph Litvin Co. L.P.A. in Dayton; he served two years as president of The Miami Valley Health Systems Agency.

Frank A. Ray is in association with Michael F. Colley Co. L.P.A., Columbus. John J. Ritchey is assistant general counsel to The Federal Reserve Bank of Cleveland. Ronald J. Scharer is president of the Pension Resources, Inc., Marion, Ohio.

1974

Kenneth W. Christman was named director of the legal department of the Public Utilities Commission of Ohio by Governor Rhodes.

John C. Deal is regional counsel for the Federal Deposit Insurance Corporation in Columbus; he received the Sustained Superior Service Award by the office of personnel management, FDIC.

1975

John W. Bentine is with the firm of Bell and Clevenger Co., Columbus, Ohio.

1976

Ronald J. McCracken is vice president and general counsel of Topsider Homes, Yadkinville, N.C.

William F. Utterback is with Mutual of New York Life Insurance Company, Palo Alto, California.

1977

Michael H. Carpenter is with Jones, Day, Reavis & Pogue, Columbus.

Woodford G. Rowland is associated with Lyons & Voelei, Corte Madera, California.



Class representatives Ed Whipps '61, Buzz Trafford '77, John Casey '65, and Jeff Hayman '80 meet at spring reception.

1978

Dinah L. DeVere (formerly Hixon) is an associate with Bronson, Bronson & McKinnan, San Francisco.

Terence Hagley is a referee in the Probate & Juvenile Divisions of the Court of Common Pleas in Chillicothe, Ohio.

Wayne A. Jenkins is with the firm of Riley, Ucker & Lavinsky, Columbus, Ohio.

Adrienne C. Lalak is an associate in the litigation department of Kahn, Kleinman, Yanowitz & Amson, Cleveland.

Stephen Nypaver III has been selected to attend the U.S. Army's JAG Graduate Course in Charlottesville, Va.

Patrick L. Singer is a captain in the U.S. Air Force, Vandenberg, California; he is claims officer and finished service as chief of military justice at Vandenberg base; he was the outstanding graduate of the claims officer course.

Jerrel E. Towery is a partner with Barber & Towery, Venice, Florida.

1979

Anne M. Frayne is with the firm of Smith & Schnacke in Dayton, Ohio.

Craig E. Hodge, captain USAF, is teaching government contract law at the USAF Advocate General School in Montgomery, Ala.

Marcia S. Hoyt is with the AmeriTrust Company, Office of Counsel, Cleveland, Ohio.

David L. Johnson is with the firm of Crowley, Haughey, Hanson, Toole & Dietrich, Billings, Montana.

Melodee E. Kornacher is associated with Schwartz, Shapiro, Kelm & Warren, Columbus after completing her clerkship with Judge Kinnery, U.S. Federal District Court.

Michael Marsh is a partner in the firm of Marsh & Crowley, Bowling Green, Ohio. Thomas E. Mattimoe Jr. is with the firm of Troutman, Sanders, Lockerman & Ashmore in Atlanta, Georgia.

John W. Payton Jr. is with United McGill Corp. as branch manager of their European office in Veldhoven, Netherlands.

Jeffrey L. Simmons is with the firm of Reese, McNenny, Pyle & Drake, Newark, Ohio.

Evelyn J. Stratton is with the firm of Hamilton, Kramer, Myers, Summers & Cheek, Columbus, Ohio.

John W. Ward recently passed the Delaware CPA exam and is working as an audit supervisor for E.I. DuPont de Nemours & Co., in Wilmington, Delaware.

Matthew Yackshaw is a trial attorney for the Tax Division of the U.S. Department of Justice, Washington, D.C.

1980

Susan H. Adams is a law clerk for Judge Jack Warren, 30th Circuit Court in Lansing, Michigan.

Cheryl L. Connelly teaches business law and related courses at Marshall University, Department of Finance and also is pursuing part-time general practice in Huntington, W. Va.

Richard J. Helber is with the firm of Schwartz, Shapiro, Kelm and Warren, Columbus, Ohio.

Thomas M. Huber is with the Securities and Exchange Commission in Chicago, Illinois.

John P. Mahaffey is with the firm of Hirsch & Associates and also teaches a course at the Ohio Dominican College in Columbus, Ohio.

Michael K. Ording is with the firm of Jones, Day, Reavis & Pogue in Dallas, Texas.

Linda R. Regenstreich is with the firm of Burns, Jackson, Summit, Rovins, Spitzer & Feldesman, New York, New York.

Richard C. Sahli is doing litigation for Vogelgesang, Hawes, Lindamood, Towaly & Brunn, Canton, Ohio.

William J. Sparer is doing corporate, bankruptcy, and securities work for McDermott, Will & Emery, Chicago, Illinois.

Joan E. Wheeler is a counsel for Winters National Bank & Trust in Dayton, Ohio.

Andrew O. Whiteman is with Akins, Mann & Pike in Raleigh, North Carolina.

Jean Wilensky is working for Linc Resources, Columbus, marketing products for the handicapped.

Wayne A. Wirtz is an associate with Schottenstein, Zox & Dunn, Columbus.

David A. Wormser is with the Housing & Urban Development Department, Washington, D.C.

1981

Rod Courtney Borden is with Coopers &

Lybrand, Columbus.

David N. Brockett is with Burns, Jackson, Summit, Rovins, Spitzer & Feldesman, New York, New York.

Leonard S. Coleman is with Goodwin & Goodwin, Charleston, W. Virginia.

Iona Evelyn Evans is with the U.S. Court of Claims in Washington, D.C.

Michael R. French is with Baker & Hostetler, Cleveland.

Lowell A. Hedlund is with Emens, Hurd, Kegler & Ritter, Columbus.

John James Joseph is with Carlile, Patchen, Murphy & Allison, Columbus.

Jeffrey M. Lewis is with Crabbe, Brown, Jones, Potts & Schmidt, Columbus.

Neil S. Morrisroe is with Scoggins, Ivy, Goodman & Weiss, Atlanta, Georgia.

Robert J. O'Neil is with Buckingham, Doolittle & Burroughs, Akron.

Mark R. Ruppert is with Foster, Swift, Collins & Coey, Lansing, Michigan.

Lea Ann Smith is with Legal Aid Society of Columbus.

John F. Stock is with Topper, Alloway, Goodman, DeLeone & Duffey, Columbus.

Thomas D. White is an assistant prosecutor for Holmes County, Millersburg, Ohio.

Mark A. Tuss is with Legal Aid Society of Dayton.

Alumni serve bar associations 1980-81

College of Law alumni have assumed leadership positions with Ohio state and local bar associations. On July 1, 1981, Norman Shibley, '49, became president-elect of the Ohio State Bar Association. He will assume the presidency on July 1, 1982. Other alumni serving as presidents of local county bar associations for 1980-1981 are:

Joseph Allen, '28, Perry County; F.M. Apicella, '54, Cuyahoga County; Paul Borowitz, '65, Muskingum County; Edward Bunstine, '60, Ross County; Charles Burd, '72, Lawrence County; T. Michael Christian, '72, Fairfield County; Fred Crow Jr., '40, Meigs County; John Eufinger, '72, Union County; Frank Hays,

'60, Wayne County; John Hosterman, '74, Pickaway County; Scott Lewis, '72, Delaware County; John Lindsey, '60, Licking County; Dean Lucal, '62, Erie County; Sheldon Meister, '52, Fulton County; John Moul, '69, Auglaize County; William Rathman, '51, Butler County; Thomas Taggart, '52, Springfield County; Damien Vercillo, '77, Ashland County; Michael Ward, '71, Athens County; and Charles Whetstone, '73, Van Wert County.

Deaths in the Law School family

William P. Moloney, '03; Ralph G. Sever, '16; J. Edward Donohoe, '22; Wayne H. Fogle, '22; Harry J. Miller, '22; James H. Davis, '24; George L. Dixon, '24; Herman L. Arenson, '25; Andrew D. Rodgers III, '25; Robert N. Suid, '26; Morris L. Gelman, '30; J. Wellor Igo, '32; W. Harold McClellan, '34; Morton Y. Reeves, '34; Horace W. Troop Sr., '34; Wilbur T. Bruce, '35; William L. Coleman, '39; Eldon M. Penn, '41; George C. Farris, '47; Willard A. Mack, '49; William R. Hapner Jr., '54; Joseph L. Rosenbloom, '59, and Martin J. Miller III, '71.





The Ohio State University

College of Law
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